

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 9. HEALTH SERVICES

#### CHAPTER 10. DEPARTMENT OF HEALTH SERVICES HEALTH CARE INSTITUTIONS: LICENSURE

##### PREAMBLE

**1. Sections Affected**

R9-10-201  
R9-10-203  
R9-10-206  
R9-10-207  
R9-10-208  
R9-10-209  
R9-10-212  
R9-10-213  
R9-10-218  
R9-10-219  
R9-10-220  
R9-10-222  
R9-10-229  
R9-10-230

**Rulemaking Action**

Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
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Amend  
Amend  
Amend

**2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 36-132(A) and 36-136(F)

Implementing statutes: A.R.S. §§ 36-405 and 36-406

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 4804, November 15, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

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Address: Department of Health Services  
1647 E. Morten, Suite 160  
Phoenix, AZ 85020

Telephone: (602) 674-9750

Fax: (602) 395-8913

E-mail: kmccann@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator

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1740 W. Adams, Suite 102  
Phoenix, AZ 85007

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Fax: (602) 364-1150  
E-mail: kphilli@hs.state.az.us

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

A.R.S. § 36-136(F) provides the general statutory authority for the Department of Health Services (Department) to make and amend rules. A.R.S. § 36-405(A) requires the Director of the Department to adopt rules establishing minimum standards and requirements for the construction, modification, and licensure of health care institutions necessary to assure the public health, safety, and welfare. It further requires that the standards and requirements relate to the construction, equipment, sanitation, staffing for medical, nursing, and personal care services, and recordkeeping pertaining to the administration of medical, nursing, and personal care services in accordance with generally accepted practices of health care. A.R.S. § 36-405(B) allows the Department to, by rule, classify and subclassify health care institutions according to character, size, and range of services provided.

The Department recently made new rules regulating hospitals, a classification of health care institutions. The new rules took effect October 1, 2002. With the training and implementation of the new rules, the Department and stakeholders identified areas that require technical or clarifying changes. The purpose of this rulemaking is to make those technical or clarifying changes and any other changes determined necessary. The Department again established a task force to review and discuss these changes. The task force consisted of a number of the same individuals as the original task force and other stakeholders representing the areas of expertise related to the rule changes. During the course of the review and discussions, several new issues were identified and have been incorporated in this rulemaking.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The Department estimates the overall economic impact for this rulemaking to be minimal to moderate, with the benefits of clear and concise rules outweighing the costs. Most of the changes to the new rules are technical and clarifying in nature and should not pose an economic impact on the hospitals. The requirements already established in rule should have little or no economic impact on the hospitals as the language is being changed only for clarification purposes. New requirements designed to improve the delivery of hospital services and increase the efficiency of the regulatory process should also have a minimal to moderate economic impact on the hospitals.

Although the Department has changed the requirements for tuberculosis (TB) screening for all personnel and medical staff members, the overall economic impact to the hospitals is expected to decrease. The suggested new TB requirements will simplify the TB screening process for the hospitals and are based on anticipated changes forthcoming from the Centers for Disease Control and Prevention (CDC) guidelines expected to be published later this year. The new TB requirements take into consideration the overall number of TB cases admitted to a hospital in a calendar year. From an infection control standpoint, it makes good sense that the staff working in a hospital with a higher number of TB cases are at an increased risk of exposure and should be screened more frequently than staff working at a hospital with few, if any, admitted cases. When this new scheme was proposed to the task force members, there was a consensus that this approach to TB screening was appropriate.

During the course of the Department's training on the new rules and subsequent implementation, it became evident that a number of hospitals still are unclear about the requirement for an acuity plan and the purpose of an acuity plan. After spending a considerable amount of time discussing acuity plans, it was determined that the rules be changed to clarify that acuity plans must determine the staffing requirements based on the specific needs of the patients. Through this process, the Department learned that a number of hospitals continued to staff units based on budgetary constraints or the number of staff scheduled for a given shift. An acuity plan must measure the staffing needs on each unit while incorporating the specific needs of the patients. The Department is making changes to the rules for clarification. In addition, the Arizona Hospital and Healthcare Association, with assistance from Department staff, has scheduled a training session on acuity plans (renamed patient classification systems) to assist the hospitals' staff with this process and with understanding how acuity plans are to be implemented. The rule changes pertaining to this requirement should not pose an additional economic impact to the hospitals since they are not new requirements.

A change is being made to the staffing ratio requirement in an intensive care services (ICU) environment. The Department received criticism from a number of direct care nurses concerning the staffing ratio of one nurse to three patients in an ICU. At the time of the rulemaking, the Department made a commitment to revisit this requirement after the new rules became effective. The Department has determined that since the national standard is one nurse to two patients in an ICU, the rule will be changed to reflect that standard. The task force members agreed that 1:2 is the national standard, but were concerned about situations that would lead to a hospital's periodic noncompliance such as

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restroom breaks, lunch breaks, assignment to the hospital's trauma team, or transporting a patient for a diagnostic test. Typically, the unit covers for these instances by having other ICU nurses, or a team leader or nurse manager who does not have a patient assignment, monitor the absent nurse's patients. The language in the rule clarifies that there must be a minimum of one nurse assigned to every two patients in the ICU. Temporary absences by nursing staff for those reasons mentioned above would not violate the rule if there is a 1:2 assignment. The hospital must have policies and procedures to determine how it will ensure the health and safety of the ICU patients at all times. The change in this requirement should not result in an increased economic impact for those hospitals that utilize a 1:2 staffing ratio in the ICU environment, which we understand is the majority of the hospitals. There may be an increased economic impact to the rural hospitals that have an ICU. If a rural hospital provides intensive care services, the rural hospital must provide the same standard of care as any other hospital providing that level of service.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Kathy McCanna, Program Manager

Address: Department of Health Services  
1647 E. Morten, Suite 160  
Phoenix, AZ 85020

Telephone: (602) 674-9750

Fax: (602) 395-8913

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Fax: (602) 364-1150

E-mail: kphilli@hs.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department has scheduled the following oral proceedings:

Date: July 22, 2003

Time: 1:00 p.m.

Location: Department of Health Services  
1740 W. Adams, Room 411  
Phoenix, AZ

Date: July 23, 2003

Time: 10:30 a.m.

Location: Tucson State Complex  
400 W. Congress, Room 222  
Tucson, AZ

Date: July 24, 2003

Time: 12:30 p.m.

Location: Flagstaff Public Library, East-side Branch  
3000 N. 4th Street, Community Room  
Flagstaff, AZ

A person may submit written comments on the proposed rules no later than the close of record, 5:00 p.m., July 24, 2003, to either of the individuals listed in items #4 and #9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting one of the persons listed in items #4 and #9. Requests should be made as early as possible to allow time to arrange the accommodation.

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**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 10. DEPARTMENT OF HEALTH SERVICES  
HEALTH CARE INSTITUTIONS: LICENSURE**

**ARTICLE 2. HOSPITALS**

Section

R9-10-201.	Definitions
R9-10-203.	Administration
R9-10-206.	Personnel
R9-10-207.	Medical Staff
R9-10-208.	Nursing Services
R9-10-209.	Patient Rights
R9-10-212.	Transport
R9-10-213.	Transfer
R9-10-218.	Clinical Laboratory Services and Pathology Services
R9-10-219.	Radiology Services and Diagnostic Imaging Services
R9-10-220.	Intensive Care Services
R9-10-222.	Perinatal Services
R9-10-229.	Infection Control
R9-10-230.	Environmental Services

**ARTICLE 2. HOSPITALS**

**R9-10-201. Definitions**

No change

1. No change
2. No change
3. "Acuity" means ~~a determination of the level and type of nursing services, based on the patient's illness or injury, that are required to meet the needs of the patient.~~ a patient's need for hospital services based on the patient's medical condition.
4. No change
5. No change
6. No change
7. No change
8. No change
9. "Assessment" means an analysis of a patient's current medical condition and need for hospital services.
10. No change
11. "Attending physician's designee" means a physician, a physician assistant, a registered nurse practitioner, or a medical staff member who has clinical privileges and is authorized by medical staff bylaws to act on behalf of the attending physician.
- ~~12.~~ No change
- ~~13.~~ No change
- ~~14.~~ No change
- ~~15.~~ No change
- ~~16.~~ No change
- ~~17.~~ No change
- ~~18.~~ No change
- ~~19.~~ No change
- ~~20.~~ No change
- ~~21.~~ No change

~~21-22~~.No change

~~23~~. “Critically ill inpatient” means an inpatient whose severity of medical condition requires the nursing services of specially trained registered nurses for:

a. Continuous monitoring and multi-system assessment;

b. Complex and specialized rapid intervention; and

c. Education of the patient or patient’s representative.

~~24~~. “Couplet care” means services provided to a mother and neonate while the neonate is housed with the mother in the mother’s room.

~~22-25~~.No change

~~23-26~~.No change

~~24-27~~.No change

~~25-28~~.No change

~~26-29~~.No change

~~27-30~~.No change

~~28-31~~.No change

~~29-32~~.No change

~~30-33~~.No change

~~31-34~~.No change

~~32-35~~.No change

~~33-36~~.No change

~~34-37~~.No change

~~35-38~~.No change

~~36-39~~.No change

~~37-40~~.No change

~~38-41~~.No change

~~39-42~~.No change

~~40-43~~.No change

~~41-44~~.No change

~~42-45~~.No change

~~43-46~~.No change

~~44-47~~.No change

~~45-48~~.No change

~~46-49~~.No change

~~47-50~~.No change

~~48-51~~.No change

~~49-52~~.No change

~~50-53~~.No change

~~51-54~~.No change

~~52-55~~.No change

~~53-56~~. “Intensive care services” means hospital services provided to ~~an~~ a critically ill inpatient who requires the services of specially trained nursing and other personnel members as specified in hospital policies and procedures.

~~54-57~~.No change

~~55-58~~.No change

~~56-59~~.No change

~~57-60~~.No change

~~58-61~~.No change

~~59-62~~.No change

~~60-63~~.No change

~~61-64~~.No change

~~62-65~~.No change

~~63-66~~.No change

~~64-67~~.No change

~~65-68~~.No change

~~66-69~~.No change

~~67-70~~.No change

~~68-71~~.No change

~~69-72~~.No change

~~70-73~~.No change

~~71-74~~.No change

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~~72-75.~~No change

~~73-76.~~“Order” means an instruction to provide medical services as authorized by the governing authority, to a patient by:

a. ~~A medical staff member;~~

b. ~~An individual licensed under A.R.S. Title 32 or authorized by a hospital within the scope of the individual’s license; or~~

e. ~~A physician who is not a medical staff member.~~

~~74-77.~~No change

~~75-78.~~No change

~~76-79.~~No change

~~77-80.~~No change

~~78-81.~~No change

~~79-82.~~No change

83. “Patient classification system” means a method for establishing nursing personnel requirements by unit based on a patient’s acuity.

~~80-84.~~No change

~~81-85.~~No change

~~82-86.~~No change

~~83-87.~~No change

~~84-88.~~No change

~~85-89.~~No change

~~86-90.~~No change

~~87-91.~~No change

~~88-92.~~No change

~~89-93.~~No change

~~90-94.~~No change

~~91-95.~~No change

~~92-96.~~No change

~~93-97.~~No change

~~94-98.~~No change

~~95-99.~~No change

~~96-100.~~No change

~~97-101.~~No change

~~98-102.~~No change

~~99-103.~~No change

~~100-104.~~No change

~~101-105.~~No change

~~102-106.~~No change

~~103-107.~~No change

~~104-108.~~No change

~~105-109.~~No change

~~106-110.~~No change

~~107-111.~~No change

~~108-112.~~No change

~~109-113.~~No change

~~110-114.~~“Transfer” means a hospital discharging a patient and sending the patient to another hospital for inpatient medical services licensed health care institution as an inpatient or resident without ~~the intent~~ intending that the patient ~~will~~ be returned to the sending hospital.

~~111-115.~~No change

~~112-116.~~No change

~~113-117.~~“Treatment” means a procedure or method to cure, improve, or palliate ~~an injury, an illness, or a disease~~ a medical condition.

118. “Tuberculosis control officer” has the same meaning as in A.R.S. § 36-711.

~~114-119.~~No change

~~115-120.~~No change

~~116-121.~~No change

~~117-122.~~No change

~~118-123.~~No change

~~119-124.~~No change

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**R9-10-203. Administration**

- A. No change
- B. No change
- C. No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
    - d. Include how a hospital personnel member submits a complaint relating to patient care;
    - ~~d-e.~~ No change
    - e-f. No change
    - f-g. No change
    - h. Cover how the hospital addresses each occurrence of exceeding licensed capacity in an organized service;
    - ~~g-i.~~ No change
    - ~~h-j.~~ No change
    - ~~i-k.~~ No change
    - ~~j-l.~~ No change
    - ~~k-m.~~ No change
    - ~~l-n.~~ No change
    - ~~m-o.~~ No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. A medical staff member reviews the medical history of a patient scheduled to be admitted to the organized service to determine whether the admission is an emergency; ~~and~~
    - b. A patient is not admitted to the organized service except in an emergency; and
    - c. The action taken for resolving each occurrence of exceeding licensed capacity is documented and maintained on the premises for 12 months from the date licensed capacity is exceeded;
  - 6. No change
- D. No change

**R9-10-206. Personnel**

No change

- 1. Personnel are available to meet the needs of a patient based on the ~~acuity plan~~ patient classification system required in R9-10-208(C)(2);
- 2. ~~Personnel assigned to provide~~ A personnel member who provides medical services or nursing services demonstrates competency and proficiency according to criteria established in hospital policies and procedures for each unit or population type to which the personnel member is assigned;
- 3. ~~Before the initial date of providing hospital services or volunteer service~~ any patient contact or potential patient contact, a personnel member submits one of the following as evidence of freedom from infectious pulmonary tuberculosis ~~according to the requirements in R9-10-229(A)(4):~~
  - a. ~~A report~~ Documentation of a negative Mantoux skin test or other test for tuberculosis recommended by the U.S. Centers for Disease Control and Prevention or the tuberculosis control officer that includes the date and the type of test; or
  - b. ~~If the individual has had a positive Mantoux skin test for tuberculosis, a physician's written~~ A statement written and dated by a physician, physician assistant or registered nurse practitioner, other than the personnel member submitting the statement, that the individual personnel member is free from infectious pulmonary tuberculosis;  
~~or~~
  - e. ~~A report of a negative chest x-ray;~~
- 4. If applicable, a personnel member complies with additional tuberculosis testing requirements according to the infection control requirements in R9-10-229;
- ~~4.5.~~ Orientation occurs within the first 30 days of providing hospital services or volunteer service and includes;
  - a. Informing personnel about Department rules for licensing and regulating hospitals and how the rules may be obtained;
  - b. Reviewing the process by which a personnel member may submit a complaint about patient care to a hospital;  
and
  - c. ~~information determined~~ Providing the information required by hospital policies and procedures;
- ~~5-6.~~ No change

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- ~~6-7.~~ No change
- ~~7-8.~~ No change
- ~~8-9.~~ No change
- ~~9-10.~~ No change
- ~~10-11.~~ No change
- ~~11-12.~~ No change

**R9-10-207. Medical Staff**

- A. No change
- B. No change

- 1. ~~By October 1, 2003, a medical staff member submits one of the following as evidence of freedom from infectious pulmonary tuberculosis according to the requirements in R9-10-229(A)(4):~~
  - a. ~~A report of a negative Mantoux skin test;~~
  - b. ~~If the individual has had a positive Mantoux skin test for tuberculosis, a physician's written statement that the individual is free from infectious pulmonary tuberculosis; or~~
  - e. ~~A report of a negative chest x-ray;~~
- ~~2-1.~~ No change
- ~~3-2.~~ No change
- 3. A medical staff member submits one of the following as evidence of freedom from infectious pulmonary tuberculosis:
  - a. Documentation of a negative Mantoux skin test or other test for tuberculosis recommended by the U.S. Centers for Disease Control and Prevention or the tuberculosis control officer that includes the date and the type of test;
  - b. A statement written and dated by a physician, physician assistant, or registered nurse practitioner, other than the medical staff member, that the medical staff member is free from infectious pulmonary tuberculosis; or
  - c. An attestation that the medical staff member is free from infectious pulmonary tuberculosis that includes:
    - i. The date and type of tuberculosis test or the date of an evaluation by another physician, physician assistant or registered nurse practitioner; and
    - ii. The printed name and signature of the medical staff member submitting the attestation;
- 4. If a medical staff member submits the attestation in subsection (c), the medical staff member, if requested by the Department or hospital, shall provide documentation required in subsection (a) or (b) within 24 hours of the request;
- 5. A medical staff member on a hospital's medical staff before October 1, 2002, complies with the requirements in subsection (B)(3) by October 1, 2003; and
- 6. If applicable, a medical staff member complies with additional tuberculosis testing requirements according to the infection control requirements in R9-10-229.

**R9-10-208. Nursing Services**

- A. No change
- B. No change
- C. No change

- 1. No change
- 2. ~~An acuity plan is established and documented to determine the types and numbers of nursing personnel necessary to provide nursing services to meet the needs of the patients;~~  
A patient classification system is established and implemented that reflects the assessment made by a registered nurse providing nursing services to a patient;
- 3. ~~The acuity plan in subsection (C)(2) is implemented; A method is established and documented that requires the hospital to verify the validity and reliability of the patient classification system for each unit every 12 months from the date of implementation;~~
- 4. If licensed capacity in an organized service is exceeded and patients are kept in areas without licensed beds, nursing personnel are assigned according to the patient classification system required in subsection (2);
- ~~4-5.~~ No change
- ~~5-6.~~ No change
- ~~6-7.~~ No change
- ~~7-8.~~ No change
- ~~8-9.~~ No change
- ~~9-10.~~ No change
- ~~10-11.~~ No change
- ~~11-12.~~ No change
- ~~12-13.~~ No change
- 14. Nursing personnel duties are assigned consistent with A.R.S. Title 32, Chapter 15;



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~~13-15.~~No change

~~14-16.~~No change

~~15-17.~~No change

~~16-18.~~No change

**R9-10-209. Patient Rights**

No change

1. No change

2. No change

a. Either consents to or refuses treatment, if capable of doing so, except in an emergency;

b. No change

c. No change

d. No change

i. Except in an emergency, the hospital's health care directives policies and procedures to an inpatient at the time of admission, and to an outpatient in advance of any invasive procedure except phlebotomy for obtaining blood for diagnostic purposes. If the hospital services provided to an outpatient include a planned series of treatment, the patient or the patient's representative shall be informed of the hospital's health care directives policies and procedures at the start of each series;

ii. No change

iii. No change

iv. No change

v. Proposed medical procedures, alternatives to the medical procedures, associated risks, and possible complications, except in an emergency;

3. No change

4. No change

5. No change

**R9-10-212. Transport**

A. No change

1. No change

a. No change

b. No change

c. No change

d. No change

e. Specify how a medical staff member explains the risks and benefits of a transport ~~and obtains consent from~~ to the patient or the patient's representative based on the:

i. No change

ii. No change

2. No change

a. Consent by the patient or the patient's representative for transport or why consent could not be obtained;

~~a-b.~~ No change

~~b-c.~~ No change

~~c-d.~~ No change

~~d-e.~~ No change

~~e-f.~~ No change

B. No change

1. No change

a. No change

b. Require an assessment of the patient by a registered nurse or a medical staff member upon arrival of the patient and before the patient is returned to the sending hospital unless the receiving hospital is a satellite facility defined in A.R.S. § 36-422 and does not have a registered nurse or a medical staff member at the satellite facility;

c. No change

d. No change

2. No change

C. No change

**R9-10-213. Transfer**

A. No change

1. No change

a. No change

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- b. No change
- c. No change
- d. Specify how a medical staff member explains the risks and benefits of a transfer to the patient or the patient's representative based on the:
  - i. Patient's medical condition, and
  - ii. Mode of transfer;
- 2. ~~Except in an emergency, a medical staff member obtains informed consent for the transfer;~~
- 3. ~~In an emergency, documentation of informed consent or why informed consent could not be obtained is included in the medical record;~~
- 4. ~~2. One of the following accompanies the patient during transfer to the receiving hospital:~~
  - a. No change
  - b. No change
- 5. ~~3. No change~~
  - a. Consent by the patient or the patient's representative for transfer except in an emergency;
  - ~~a. b.~~ The acceptance of the patient by and communication with an individual at the receiving hospital health care institution;
  - ~~b. c.~~ The date and the time of the transfer to the receiving hospital health care institution;
  - ~~e. d.~~ No change
  - ~~d. c.~~ No change

**B.** No change

**R9-10-218. Clinical Laboratory Services and Pathology Services**

No change

- 1. No change
- 2. No change
- 3. No change
- 4. A special hospital whose patient's diagnoses or treatment requires clinical laboratory services provides the services within the special hospital 24 hours a day; is able to provide the clinical laboratory services when needed by the patient. The specimens for clinical laboratory services must be obtained without transporting the patient from the special hospital premises. Examination of the specimens are performed by a laboratory on the special hospital premises or by arrangement with a laboratory not on the premises;
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change

**R9-10-219. Radiology Services and Diagnostic Imaging Services**

**A.** No change

- 1. No change
- 2. No change
- 3. No change
- 4. A hospital that provides surgical services must have radiology services and diagnostic imaging services on the premises to meet the needs of the patients;
- 4. ~~5.~~ No change
- 5. ~~6.~~ A special hospital whose patients' diagnoses or treatment requires radiology services and diagnostic imaging services is able to provide the radiology services and diagnostic imaging services ~~or has a documented plan to provide the services to meet the needs of a patient~~ when needed by the patient. The special hospital shall provide the radiology services and diagnostic imaging services:
  - a. On the special hospital premises, or
  - b. By arrangement with a radiology and diagnostic imaging facility that is not on the special hospital premises.

**B.** No change

- 1. No change
- 2. No change
- 3. ~~A radiologist prepares a documented~~ radiologic or diagnostic imaging patient report is prepared that includes:
  - a. No change

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- b. No change
- c. A ~~radiologist's~~ physician's interpretation of the image;
- d. No change
- e. No change
- 4. No change
- 5. No change

**R9-10-220. Intensive Care Services**

- A. No change
- B. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. With a minimum of one registered nurse assigned for every ~~three~~ two patients; and
    - b. According to ~~an acuity plan~~ a patient classification system as required in R9-10-208;
  - 6. Each intensive care unit has a policy and procedure to ensure the needs of the patients are met at all times;
  - ~~6-7.~~ No change
  - ~~7-8.~~ No change
  - ~~8-9.~~ No change
  - ~~9-10.~~ No change
  - ~~10-11.~~ No change
- C. No change

**R9-10-222. Perinatal Services**

- A. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
  - 9. No change
  - 10. No change
  - 11. No change
  - 12. No change
  - 13. No change
  - 14. No change
  - 15. No change
  - 16. A minimum of one registered nurse is on duty in a nursery at all times when there is a neonate in ~~a~~ the nursery except as provided in subsection (17);
  - 17. A nursery occupied only by neonates receiving couplet care but placed in the nursery for the convenience of the mother shall be staffed by a licensed nurse. These neonates shall not require treatment as defined in this Article;
  - ~~17-18.~~ No change
  - ~~18-19.~~ No change
- B. No change

**R9-10-229. Infection Control**

- A. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. ~~That establish criteria for determining whether a medical staff member is at an increased risk of exposure to infectious pulmonary tuberculosis based on:~~
      - i. ~~The level of risk in the area of the hospital premises where the medical staff member practices; and~~
      - ii. ~~The work that the medical staff member performs; and~~

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- d. ~~That establish the frequency of tuberculosis screening for an individual determined to be at an increased risk of exposure;~~
- 3. No change
- 4. ~~A tuberculosis screening is performed as follows:~~
  - a. ~~For a personnel member, at least once every 12 months or more frequently if determined by an infection control risk assessment;~~
  - b. ~~Except as required in subsection (A)(4)(c), for a medical staff member, at least once every 24 months; and~~
  - e. ~~For a medical staff member at an increased risk of exposure based on the criteria in subsection (A)(2)(c), at the frequency required by the hospital's policies and procedures, but no less frequently than every 24 months;~~
- 4. The infection control risk assessment required in subsection (3) includes a determination of the number of patients with infectious tuberculosis admitted to the hospital in each calendar year;
- 5. After a personnel member or medical staff member is exposed to infectious tuberculosis, tuberculosis testing is performed according to the recommendations of the U.S. Centers for Disease Control and Prevention or the tuberculosis control officer;
- 6. Each personnel member and medical staff member is evaluated for tuberculosis not later than March 30 of the following calendar year or before providing hospital services, whichever is later, and provides documentation that complies with R9-10-206(3)(a) or (b) or R9-10-207(B)(3)(a), (b), or (c) if:
  - a. A hospital that has fewer than 200 inpatient beds admitted three or more patients with infectious tuberculosis within the most recent calendar year; or
  - b. A hospital that has 200 inpatient beds or more admitted six or more patients with infectious tuberculosis within the most recent calendar year;
- 5-7. No change
- 6-8. No change
- 7-9. No change
- 8-10. No change
- 9-11. No change
- 10-12. No change

**B.** No change

**R9-10-230. Environmental Services**

No change

- 1. An individual providing environmental services who has the potential to transmit ~~pulmonary~~ infectious tuberculosis to patients as determined by the infection control risk assessment shall comply with the requirements for a personnel member in R9-10-206(3) and R9-10-229(A)(5) and (6);
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change

## NOTICE OF PROPOSED RULEMAKING

### TITLE 12. NATURAL RESOURCES

#### CHAPTER 5. STATE LAND DEPARTMENT

##### PREAMBLE

- 1. Sections Affected**  
R12-5-413
- Rulemaking Action**  
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 37-132(A)(1)  
Implementing statute: A.R.S. § 37-132(B)(2)
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 1430, May 9, 2003  
Notice of Emergency Rulemaking: 9 A.A.R. 1963, June 20, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Richard B. Oxford, Director  
Land Information, Title & Transfer Division  
  
Address: Arizona State Land Department  
1616 W. Adams  
Phoenix, AZ 85007  
  
Telephone: (602) 542-4602  
Fax: (602) 542-5223
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
A.R.S. § 37-132(B)(2) authorizes the State Land Commissioner to use private real estate brokers to assist in any sale or long-term lease of state land. The Department is authorized to pay a commission to licensed real estate brokers or their agents for their services associated with the successful selling or long-term commercial leasing of state properties at public auction. The commission is to be paid from fees collected for sale or long-term lease of state land under A.R.S. § 37-108(A)(10)(a).  
  
Under R12-5-413(B), "...the commission paid shall be the amount collected pursuant to A.R.S. § 37-108(A)(10)(a)" (emphasis added). Under the proposed amended rule, "...the commission shall be paid from the fees collected under A.R.S. § 37-108(A)(10)(a)" (emphasis added).  
  
R12-5-413(B), as written, restricts the Commissioner's ability to provide appropriate commissions to brokers in keeping with economic trends in the real estate business and consistent with the services provided in a transaction.  
  
To provide fair and equitable broker fees, the Commissioner needs to be able to assess the amount of work required of a broker relating to a proposed sale or long-term lease and offer a broker a commission commensurate to the proposed leasing or sales transaction.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
In 1993, the Arizona Legislature enacted A.R.S. § 37-132(B)(2), which (1) authorized the State Land Commissioner to use private real estate brokers to assist in any sale or long-term lease of state land, and (2) authorized the Department to pay a broker's commission (within certain parameters) for their services. The broker's commission fee is authorized to be paid from selling fees collected pursuant to A.R.S. § 37-108(A)(10)(a).

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The rule proposed for amendment requires the commission paid to be the amount collected pursuant to A.R.S. § 37-108(A)(10)(a). This inflexibility does not allow the State Land Commissioner to establish a broker's commission commensurate to the amount of work by a broker for the sale or long-term lease being offered. The broker's role in securing a successful bidder in a sale is different than securing a successful lessee for a long-term lease. In its simplest form, the broker's role in a sale is to notify a potential client of the Department's proposed sale, provide information, and have the client be the successful bidder. In a long-term lease, the broker must be familiar with the lease and the terms being offered, secure an interested lessee, negotiate lease terms where possible, and have the client be the successful bidder at the lease auction.

The impact of the rule amendment will be primarily on the licensed real estate brokers in the state whose commissions will be tailored to fit the proposed sale or lease. The impact may also be felt by the Department as brokers may not consider the commissions on smaller sales as lucrative enough to warrant their time, and thus, the Department would not be able to capitalize on the services of the brokers to market its properties on these sales.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Richard B. Oxford, Director  
Land Information, Title & Transfer Division

Address: Arizona State Land Department  
1616 W. Adams  
Phoenix, AZ 85007

Telephone: (602) 542-4602

Fax: (602) 542-5223

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No public proceeding is scheduled. A person may submit written comments or request that an oral proceeding be held on the proposed rules by submitting the comments or a written request for hearing no later than 5:00 p.m. July 21, 2003 to the following person:

Name: Richard B. Oxford, Director  
Land Information, Title & Transfer Division

Address: Arizona State Land Department  
1616 W. Adams  
Phoenix, AZ 85007

Telephone: (602) 542-4602

Fax: (602) 542-5223

**11. Any other matters prescribed by statute that are applicable to the specific agency or any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 5. STATE LAND DEPARTMENT**

**ARTICLE 4. SALES**

Section

R12-5-413. Real Estate Broker Commissions

**ARTICLE 4. SALES**

**R12-5-413. Real Estate Broker Commissions**

- A.** No change
1. No change
  2. No change
  3. No change

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4. No change
5. No change
- B. If a commission is offered for the sale or long-term commercial lease of state land at public auction, the Department shall pay the commission shall be the amount paid from the fees collected pursuant to under A.R.S. § 37-108(A)(10)(a).
- C. The Department shall publish the decision of the Commissioner to pay or not to pay a commission for the sale or long-term commercial lease of state land and the amount and terms of the commission offered, if any, in the public notice of the auction.
- D. Upon determination by the Commissioner that a commission ~~shall~~ will be offered on a sale or long-term commercial lease, a person holding an active ~~Arizona~~ real estate broker license in this state is eligible to receive the commission, from the Department, by registering with the Department the successful purchaser or lessee at public auction. ~~The A~~ broker shall register himself or herself and the potential purchaser or lessee with the Department no later than three business days before the auction. ~~Registration~~ The broker shall register ~~be~~ in writing and include the following:
  1. Name and address of the brokerage;
  2. Name and real estate license number of the broker and any real estate salesperson acting as an agent for the broker at the public auction;
  3. Name and address of the potential purchaser or lessee;
  4. Auction number, location, and parcel number of the land to be auctioned for sale or lease; and
  5. Signature of the broker or salesperson and the potential purchaser or lessee verifying that the broker or salesperson represents the potential purchaser or lessee and that together they have inspected the land to be auctioned for sale or lease.
- E. A broker shall submit registration meeting the requirements of subsection (D) by mail or hand-delivery to the Department's public counter located at 1616 West Adams, Phoenix, Arizona 85007. ~~Registration shall be deemed~~ The Department deems registration received ~~by the Department~~ on the date postmarked if mailed or time-stamped if hand-delivered. A broker shall not register the following:
  1. A potential purchaser or lessee who is registered with another broker for the same auction, or
  2. A governmental agency.
- F. The Department shall pay the commission to the broker representing the successful purchaser or long-term commercial lessee at the time of delivery of the certificate of purchase or patent, or lease, or after final disposition of any protests or appeals resulting from the auction, whichever occurs later.
- G. The Department shall not pay a commission to a broker if the Commissioner determines that the broker has violated this ~~rule~~ Section.
- H. For the purpose of this Section, the following definitions apply:
  1. "Long-term commercial lease" means a lease granted on state land for commercial purposes to the highest and best bidder at public auction for a term in excess of 10 years, but not more than 99 years ~~for commercial purposes to the highest and best bidder at public auction.~~
  2. No change

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 17. TRANSPORTATION**

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION  
HIGHWAYS**

**PREAMBLE**

**1. Sections Affected**

Article 6  
R17-3-601  
R17-3-602  
R17-3-603  
R17-3-604  
R17-3-605  
R17-3-606  
R17-3-607  
R17-3-608  
R17-3-609  
R17-3-610  
R17-3-611  
R17-3-612  
Table 1  
Table 2  
R17-3-701  
R17-3-701.01

**Rulemaking Action**

New Article  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Table  
New Table  
Repeal  
Repeal

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 28-366 and 28-7908

Implementing statutes: A.R.S. §§ 28-7901 through 28-7915

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 9 A.A.R. 1307, April 25, 2003

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Wendy S. LeStarge, Rules Analyst  
  
Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079

Telephone: (602) 712-6007

Fax: (602) 241-1624

E-mail: [wlestage@dot.state.az.us](mailto:wlestage@dot.state.az.us)

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters ([www.dot.state.az.us/ABOUT/rules/index.htm](http://www.dot.state.az.us/ABOUT/rules/index.htm)).

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

In order to promote highway beautification, Congress passed legislation to encourage the states to control and regulate outdoor advertising along highways. 23 U.S.C. § 131. Congress also imposed a penalty of a 10 percent reduction in a state's federal highway construction funds if a state fails to provide effective control of outdoor advertising. 23 U.S.C. § 131(b).

Arizona's implementing legislation on outdoor advertising control, A.R.S. §§ 28-7901 through 28-7915, mirrors many of the federal concepts. The Arizona statutes include the following enforcement:

- Limit most outdoor advertising to commercial or industrial areas;
- Require permits to place or maintain outdoor advertising;
- Establish the physical distances along a highway where outdoor advertising is allowed;



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- Establish maximum sizes for outdoor advertising signs;
- Create categories for outdoor advertising signs, such as directional, official, on-premise identification or sale, or signs allowed in commercial and industrial areas.

R17-3-701 and R17-3-701.01 implement and clarify the Arizona statutes. R17-3-701 has not been amended for over 20 years and does not address changed conditions and practices in the outdoor advertising industry. This rulemaking arises from proposed agency action in the five-year review report approved by the Governor's Regulatory Review Council on May 2, 2000 (F-00-0402). The rulemaking repeals the existing rules and creates a new Article and new smaller Sections. It also amends the language so that it is clear, concise, and understandable, and complies with the Secretary of State's rulemaking standards. The proposed rulemaking:

- Creates additional definitions;
- Lists general prohibitions;
- Provides detailed criteria for on-premise advertising, particularly for the business practice of on-premise identification signage for an individual business that is part of a master-planned development;
- Creates a separate Section for non-conforming signs, and specifies the circumstances to repair such signs;
- Establishes uniformity for defining a commercial or industrial zone, a business area, or an unzoned commercial or industrial area;
- Creates detailed criteria for directional signs, depending on the national, regional, or local significance of the activity;
- Provides a detailed explanation of the permit application procedure;
- Increases the permit application fee from \$20 to \$75 to cover increased costs;
- Adopts the existing ADOT administrative hearing procedure rules.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

ADOT is statutorily mandated to regulate outdoor advertising along the highways. This rulemaking does not create any increased costs for ADOT other than the continuing costs of employee salaries. ADOT does not incur any reduction of federal funding because of outdoor advertising laws or rules.

Businesses that use outdoor advertising along the state's highways will have increased costs due to the increased permit fees. Clearly defined restrictions may create a not-readily-quantifiable cost by limiting where a sign can be placed. The benefit to businesses, from revenue from selling products and lease income from the signs, should still outweigh any costs.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Wendy S. LeStarge, Rules Analyst  
Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079  
Telephone: (602) 712-6007  
Fax: (602) 241-1624  
E-mail: wlestage@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters ([www.dot.state.az.us/ABOUT/rules/index.htm](http://www.dot.state.az.us/ABOUT/rules/index.htm)).

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**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No oral proceeding is scheduled for this rulemaking. Written, faxed, e-mail comments, or requests for an oral proceeding may be made by contacting the person listed in item #4 between 8:00 a.m. and 4:30 p.m., Monday through Friday. If no oral proceeding is requested, the public comment period shall continue for 30 days from this notice's publication date. This rulemaking's public record will close at 4:30 p.m. on July 21, 2003.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

Not applicable

**13. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION  
HIGHWAYS**

**ARTICLE 6. ~~RESERVED~~ OUTDOOR ADVERTISING CONTROL**

Section

R17-3-601. Definitions

R17-3-602. Scope

R17-3-603. General Prohibitions

R17-3-604. On-Premise Signs

R17-3-605. Non-conforming Signs

R17-3-606. Off-Premise Signs

R17-3-607. Zoned and Unzoned Areas

R17-3-608. Directional Signs

R17-3-609. Official Signs

R17-3-610. Permit Application Process

R17-3-611. Off-Premise Sign Maintenance and Repair

R17-3-612. Administrative Procedures

Table 1. Attendance Requirements for a Directional Sign for Privately-owned Destination or Privately-sponsored Activity

Table 2. Application Fees

**ARTICLE 7. HIGHWAY ENCROACHMENTS AND PERMITS**

R17-3-701. ~~Outdoor advertising control~~ Repealed

R17-3-701.01. ~~Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits~~ Repealed

**ARTICLE 6. ~~RESERVED~~ OUTDOOR ADVERTISING CONTROL**

**R17-3-601. Definitions**

In addition to the definitions in A.R.S. § 28-7901, the following definitions apply to R17-3-601 through R17-3-612:

"Alter" means to change any dimension or composition of a sign, change the configuration of a sign structure, or add illumination to a sign. "Alter" does not mean a change in advertising copy or the temporary addition or removal of an embellishment related to a change in advertising copy.

"Animated" means to have kinetic or illusionary motion generated by natural (for example, wind), manual, mechanical, or electrical power, or any other power source.

"Appraised value" means the monetary value of a sign, based on the actual cost of the sign's materials as determined by a professional appraiser.

"Back-to-back sign" means a sign structure that has two opposing and parallel sign faces.

"Commercial or industrial zone" means an area established by a local zoning authority as being most appropriate for commerce, industry, or trade (commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business, retail, trade, warehouse, and similar classifications).

"Copy" means the text, images, messages, or information displayed on a sign.

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“Department” means the Arizona Department of Transportation.

“Directional sign” means a sign authorized under A.R.S. § 28-7902(A)(1) that provides directional information to a national, regional, or local destination or activity, or a rural activity.

“Director” means the Director of the Arizona Department of Transportation, or the Director’s designee.

“Double-face sign” means a sign that has two sign faces with the same orientation toward the main-traveled way.

“DSQ Board” means the Directional Sign Qualification Board.

“Embellishment” means part of the copy that is a temporary display, image, or structure extending beyond an edge of a permanent sign face to continue the copy’s text, images, messages, or information. An example of an embellishment is an image of a palm tree that extends beyond the top edge of the sign face.

“Freeway” has the meaning prescribed in A.R.S. § 28-7901(2).

“Highway” means any roadway the Department has jurisdiction over for purposes of outdoor advertising control and is a:  
Previously classified interstate, primary, and secondary roadway in existence on June 1, 1991;  
Roadway added to the state highway system after June 1, 1991; or  
Roadway that is designated as part of the NHS.

“Maintenance” means ordinary and routine work on a sign to keep the sign in its customary condition.

“Master-planned development” means a property development, approved by a local zoning authority, that consists of a single lot or parcel, or a combination of abutting lots or parcels, with common access, parking, amenities, landscaped areas, and signage.

“Multiple message sign” means a sign with a sign face comprised of multiple louvered panels that can be rotated so that the sign displays several distinct messages.

“NHS” means the National Highway System, a federal classification of highways as described and mapped in the Department’s State Transportation Plan.

“Non-conforming sign” means a sign, which is not an on-premise identification or for-sale sign, that was lawfully placed but does not comply with A.R.S. §§ 28-7901 through 28-7915 or R17-3-601 through R17-3-612 due to the enactment of statutes or rules, changes in the statute or rules, or changed conditions. An unlawfully placed or maintained sign is not a non-conforming sign.

“Official sign” means a sign authorized under A.R.S. § 28-7902(A)(1), other than an official traffic control device, that is authorized or required by federal, state, or local law, and listed in R17-609(B).

“Off-premise sign” means a sign that does not qualify as an on-premise identification sign, on-premise for-sale sign, a directional, or other official sign.

“On-premise identification sign” means a sign authorized under A.R.S. § 28-7902(A)(2) that advertises an activity available on the premises where the sign is located.

“On-premise for-sale sign” means a sign authorized under A.R.S. § 28-7902(A)(3) that advertises the sale or lease of the property upon which the sign is located.

“Premises” means the integral parts of property or buildings used and occupied for an activity.

“Repair” means to return a damaged sign to its undamaged condition.

“Replace” means to place a new or different sign on the site of a former sign.

“Roadway” has the meaning prescribed in A.R.S. § 28-602(19).

“Sign” means outdoor advertising as defined in A.R.S. § 28-7901(6).

“Sign face” means the surface upon which the copy is displayed.

“Sign structure” means any supporting element that provides or supports a sign face, such as a base, poles, posts, stringers, or braces.

“Visible” means capable of being read or understood, without visual aid, by a person of normal vision.

“V-shape sign” means a sign structure that has two opposing, non-parallel sign faces for the purpose of being visible from both directions of traffic flow on a main-traveled way.

**R17-3-602. Scope**

- A.** R17-3-601 through R17-3-612 and the statutory requirements of A.R.S. §§ 28-7901 through 28-7915 apply to any existing or planned sign that is within view of, directed at, and intended to be read from the main-traveled way of a highway outside the territorial boundaries of an Indian reservation, as prescribed in A.R.S. § 28-5601(13).
- B.** A sign within view of and directed at the main-traveled way is visible to a person traveling in a motor vehicle on the main-traveled way at the posted speed limit for the lesser time period of:

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1. Five seconds, or
  2. As such time as the whole message can be understood.
- C.** A sign intended to be read from the main-traveled way is defined by any of the following criteria:
1. The message content is of a nature that it is of primary interest for the motoring public using the main-traveled way. For example, the message content provides exit directions from a highway;
  2. The sales value of the sign is directly attributable to advertising circulation generated by traffic along the main-traveled way; or
  3. The majority of the current average daily traffic viewing the sign is traveling in either or both directions along the main traveled way. For example, a sign is showing to two or more roadways, but the majority of the current average traffic viewing the sign travels on the main traveled way.

**R17-3-603. General Prohibitions**

In addition to the restrictions in A.R.S. §§ 28-7901 through 28-7915, the following restrictions apply:

1. It is unlawful to place, maintain, or repair a sign located on a freeway from any portion of the right-of-way of the freeway.
2. It is unlawful to place, maintain, or repair a sign, located on a highway other than a freeway, from any portion of the right-of-way of the highway unless:
  - a. There is no other access available, and
  - b. The sign owner obtains an encroachment permit as prescribed under R17-3-702 from the Department before the work is performed.
3. A sign requiring a permit is unlawful if the permit is not renewed within 30 days after the permit's expiration date.
4. A sign is unlawful if the permit becomes void, as stated in R17-3-610(E).

**R17-3-604. On-Premise Signs**

**A.** In order to be authorized by statute as an on-premise identification sign, a sign shall conform to the following criteria:

1. The sign is placed only on premises that are a necessary and integral part of the activity being advertised, as evidenced by the following criteria:
  - a. The owner of the activity being advertised has a legal right to use the premises on which the sign is located, and
  - b. The premises on which the sign is located are contiguous and limited to the following:
    - i. Land actually used for the activity's building sites;
    - ii. Land used and reasonably necessary for the activity's parking lots, driveways, permanent storage areas, and service areas; and
    - iii. Land used and reasonably necessary for landscaped front, rear, and side yards that are integral to and a functional part of the activity.
2. The sign's copy contains only the following information:
  - a. The name, nature, or pricing of the activity occurring on the premises, or the product or services the activity provides;
  - b. The address of or directions to the premises;
  - c. The telephone number of the activity; or
  - d. The hours of operation of the activity.
3. A sign is not authorized by statute as an on-premise identification sign if:
  - a. The sign's copy consists principally of brand name or trade name advertising, and
  - b. The brand or trade advertised is only incidental to the principal activity, or
  - c. The property owner receives rent or advertising revenue for use of the sign from sources other than the occupants of the premises.
4. In addition to a sign meeting the requirements under subsections (A)(1) through (A)(3), a master-planned development may have on-premise identification signage, considering the master-planned development as the activity being advertised, if the following criteria are met:
  - a. The master-planned development meets the following criteria:
    - i. A local zoning authority approved the master-planned development as a unified development, with a common identity and an interrelated plan for public and private improvements; and
    - ii. Formal provisions for common management and maintenance are contained in recorded covenants, conditions and restrictions, reciprocal easement agreements, or similar documents.
  - b. For a sign that identifies the name, product, or service of an individual business within the master-planned development:
    - i. The area of the sign devoted to the identity of the master-planned development is at least 20 percent of the total sign area, and
    - ii. The sign is within 2,500 feet of the building where the individual business is located.

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- c. If there is more than one sign for the master-planned development that is visible to the main-traveled way of the highway, the minimum 20 percent of sign area devoted to identifying the master-planned development may be aggregated on one sign or spread among more than one sign visible to the main-traveled way of the highway;
- d. The minimum area of a sign devoted to identifying the master-planned development shall not consist of graphics exclusively;
- e. When the minimum area of a sign devoted to identifying the master-planned development is comprised of text and graphics, the portion that is comprised of text shall be at least 50 percent of the minimum area of a sign devoted to identifying the master-planned development; and
- f. The sign area shall be measured by the smallest square, rectangle, triangle, circle or combination of the smallest square, rectangle, triangle or circle that will encompass the entire advertisement.
- B.** In order to be authorized by statute as an on-premise for-sale sign, a sign shall conform to the following criteria:
  - 1. The sign is placed within the legal boundary of the real property offered for sale or for lease;
  - 2. The offer to sell or lease the real property is made by the property's owner or the property owner's lawful agent;
  - 3. The sign's copy contains only the following:
    - a. Information about the sale or lease of the property; and
    - b. The name, address, or phone number of the property owner or property owner's agent; and
  - 4. The name or identification of the property owner's agent is no more than 75 percent of the total area of the sign.
- C.** An on-premise identification or for-sale sign is no longer authorized by statute as an on-premise sign if:
  - 1. The activity the sign advertises ceases operation on the premises for more than 180 consecutive days or,
  - 2. The property the sign advertises is no longer for sale or lease.
- D.** If an on-premise identification or for-sale sign is no longer authorized by statute as an on-premise sign, the sign owner shall:
  - 1. Remove the sign,
  - 2. Cover the sign face, or
  - 3. Obtain a permit as an off-premise sign, using the procedures in R17-3-610.

**R17-3-605. Non-conforming Signs**

- A.** A non-conforming sign loses its non-conforming status and becomes unlawful if:
  - 1. It is altered in any of the following ways:
    - a. The sign face or faces, or sign structure are enlarged in any dimension or increased in number;
    - b. The material of any component is changed to a different material;
    - c. Lights are added to a sign that previously was not lighted;
    - d. The sign is moved, except as allowed in R17-3-611(D); or
    - e. Any component is replaced, except as allowed under R17-3-611.
  - 2. The sign ceases to display advertising copy for more than one year;
  - 3. The annual cost of maintaining or repairing the sign exceeds 50 percent of the sign's appraised value, except as allowed in R17-3-611(C); or
  - 4. The sign displays advertising copy for a business, product, service, or activity that has ceased for more than one year.
- B.** Changed conditions for a sign to become non-conforming can include, but are not limited to the following examples:
  - 1. The commercial or industrial activity that qualified the sign ceases operation, and no other commercial or industrial activity is located within the distance required under A.R.S. § 28-7901(1) or (11);
  - 2. The property where the sign is located is rezoned to a zone other than commercial or industrial.
- C.** A sign owner of a non-conforming sign that loses its non-conforming status shall obtain a permit for the sign as described under R17-3-610, or remove the sign.
- D.** For calculating the total area of a non-conforming sign under A.R.S. § 28-7905, an embellishment that is:
  - 1. Fifteen percent or less of the total sign area is not part of the calculation of the total area, or
  - 2. Over fifteen percent of the total sign area is part of the calculation of the total area.

**R17-3-606. Off-Premise Signs**

- A.** General.
  - 1. The owner of the off-premise sign shall obtain a permit according to procedures under R17-3-610 before:
    - a. Placing a new sign;
    - b. Altering, replacing, or relocating an existing conforming sign.
  - 2. A double-face, V-shape, or back-to-back sign is one sign and requires only one permit.
- B.** Specific sign requirements.
  - 1. An off-premise multiple message sign shall:
    - a. Rotate the panels comprising the sign face, simultaneously so that the entire message changes at one time,
    - b. Change no more frequently than once every 10 seconds, and
    - c. Have no more than one face in each direction.

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2. The minimum spacing between two signs on the same side of a highway, other than a freeway, shall be 300 feet if the two signs are separated by a municipal boundary between incorporated and unincorporated land.
3. The owner of an existing or proposed sign that is within view of, directed at, and intended to be read from a future highway that the Director has declared as a part of the state highway system or the NHS is required to obtain a permit as though the highway exists.
4. Double-face, back-to-back, and V-shape signs shall have no more than two faces within view of, directed at, and intended to be read from each direction of a main-traveled way.
5. V-shape sign faces shall not exceed 10 feet maximum spacing between faces at their closest point. The angle between the two sign faces shall not exceed 120 degrees.
6. Back-to-back type sign faces shall not exceed 10 feet maximum spacing between faces at their closest point.

**R17-3-607. Zoned and Unzoned Areas**

- A. Zoned Areas.** A zoned area does not qualify as a commercial or industrial zone for outdoor advertising control purposes if:
1. A local zoning authority designates the area as a commercial or industrial zone without regard to a comprehensive zoning plan.
  2. A local zoning authority designates the area as a commercial or industrial zone to primarily allow outdoor advertising, or
  3. The zoning designation of the area does not primarily allow industrial or commercial activity.
- B.** For establishing an area for outdoor advertising purposes, the excluded activities in A.R.S. § 28-7901(11)(a) through (f) fail to qualify as a commercial or industrial activity.
- C.** In addition to subsection (B), an activity fails to qualify as a commercial or industrial activity for purposes of establishing an area as a business area, or an unzoned commercial or industrial area for outdoor advertising, if it exhibits any of the following characteristics:
1. The activity is not operated for a profit;
  2. The activity is not operated in compliance with applicable state, county, and local law;
  3. The activity is not connected to basic utilities including but not limited to power, telephone, water, and sewer, or septic service;
  4. The activity does not have a building designed with a permanent foundation, built or modified for its current commercial or industrial use. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply:
    - a. The mobile home unit or recreational vehicle shall meet any applicable standards as prescribed in 4 A.A.C. 34;
    - b. A self-propelled vehicle shall not qualify for use as a business or office;
    - c. All wheels, axles, and springs shall be removed;
    - d. The vehicle shall be permanently secured on piers, pad, or foundation; and
    - e. The vehicle shall be tied down in accordance with state, county, or local requirements.
  5. The commercial or industrial activity has not been active for a minimum of six months before the date of submitting an application for a permit;
  6. One or more employees are not available during customary business hours whenever the activity is open; or
  7. The activity is not visible and recognizable as a commercial or industrial activity from the main traveled way of the controlled route for a minimum of five seconds.

**R17-3-608. Directional Signs**

**A. General.**

1. An owner of a directional sign shall obtain a permit, following the permit procedures in R17-3-610 before:
  - a. Placing a new sign; or
  - b. Altering, replacing, or relocating an existing conforming sign.
2. A directional sign is allowed only to a destination or activity that is of national, regional, or local interest, or is a rural activity.
3. The copy does not contain descriptive words or phrases, drawings, or pictorial representations of the destination, activity, or its environs.
4. The copy contains only the following:
  - a. The identification of the destination or activity, and
  - b. Directional information useful to the traveler in locating the destination or activity, such as text, or mileage numbers.
5. A directional sign shall not be located within 2,000 feet of an interchange along a freeway if located outside municipal limits. Two thousand feet is measured along the freeway from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.

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6. A directional sign shall not be located within 2,000 feet of any rest area, parkland, scenic area, scenic overlook, or similar noncommercial activity.
7. A directional sign shall not be placed at a location that would otherwise qualify as an off-premise sign.
8. The owner of an existing or proposed directional sign that is within view of, directed at, and intended to be read from a future highway that the Director has declared as a part of the state highway system or the NHS is required to obtain a permit as though the highway exists.

**B. National or Regional Interest.**

1. A destination or activity shall meet four or more of the following characteristics to be of national or regional interest:
  - a. Engages in a national or regional advertising program;
  - b. Is listed on a national, state, or county register;
  - c. Is listed in a national or regional travel-guide publication;
  - d. Employs permanent workers;
  - e. Maintains a permanent record of the number of visitors on a daily basis; or,
  - f. Provides an informational publication and a guided tour of the destination's activities and facilities.
2. A directional sign for a destination or activity of national or regional interest shall meet the following criteria:
  - a. The sign face, including its border and trim, has no more than a maximum:
    - i. Area of 150 square feet,
    - ii. Height of 20 feet, and
    - iii. Length of 20 feet.
  - b. The sign is located:
    - i. At least one mile from any other directional sign that advertises the same destination or activity and that faces in the same direction of travel;
    - ii. So that there are no more than three directional signs to the same destination or activity facing the same direction of travel along a single highway approaching the destination or activity;
    - iii. Within a 75 mile radius of the destination or activity, if the directional sign is adjacent to a freeway;
    - iv. Within a 50 mile radius of the destination or activity, if the directional sign is adjacent to a highway that is not a freeway; and
    - v. At least 500 feet from any off-premise sign adjacent to a highway.

**C. Local Interest.**

1. A destination or activity shall meet a minimum of four of the following characteristics to be of local interest:
  - a. Engages in an advertising program;
  - b. Is listed on an area, county, or municipal register;
  - c. Employs permanent workers;
  - d. Maintains a permanent record of the number of visitors on a daily basis;
  - e. Provides an informational publication and a guided tour of the destination's activities or facilities; or
  - f. Is open for a minimum of six months per year.
2. A directional sign for a destination or activity of local interest shall meet the following criteria:
  - a. The sign face, including its border and trim, has no more than a maximum:
    - i. Area of 80 square feet,
    - ii. Height of 12 feet, and
    - iii. Length of 12 feet.
  - b. The sign is located:
    - i. At least one-half mile from any other directional sign that advertises the same destination or activity and that faces in the same direction of travel;
    - ii. So that there are no more than three directional signs to the same destination or activity facing the same direction of travel along a single highway approaching the destination or activity;
    - iii. Within a 35 mile radius of the destination or activity, if the directional sign is adjacent to a freeway;
    - iv. Within a 25 mile radius of the destination or activity, if the directional sign is adjacent to a highway that is not a freeway; and
    - v. At least 500 feet from any off-premise sign adjacent to a highway.

**D. Rural Activity.**

1. A rural activity can include, but is not limited to a ranch, farm, forest, recreational area, mine, mineral pit, or other activity that is of interest to the motoring public. A rural activity shall not include a private residence, subdivision, or commercial or industrial activity.
2. A directional sign for a rural activity shall meet the following criteria:
  - a. The sign is located:
    - i. Within one-half mile of the rural activity's access to the state highway;
    - ii. So that only one sign pertaining to a rural activity faces the same direction of travel along a single highway; and

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- iii. Outside of a business area, municipal limits, or zoned or unzoned commercial or industrial area.
    - b. The sign face, including its border and trim has an area of 12 square feet or less;
    - c. The copy does not contain a reference to a brand name or a commercial or industrial activity.
  - 3. An owner of a directional sign to a privately-owned rural activity is exempt from the criteria of subsections (E) and (F).
- E.** Directional sign to a privately-owned destination or activity.
- 1. In addition to the requirements of subsections (A) through (C), an owner of a directional sign to a privately-owned destination or activity that is of national, regional, or local interest shall obtain approval from the DSQ Board under the qualification procedures set forth in subsection (F) before applying for a permit from the Department.
  - 2. The privately-owned destination or activity must be one of the following:
    - a. An educational institution accredited by an academic organization governing the educational institution's relevant branch of education;
    - b. A cultural institution accredited or operated by an artistic, governmental, or historical agency;
    - c. A natural phenomena or cataclysmic natural event, geologic formation, cave, geyser, waterfall, or forests and foliage;
    - d. A scenic natural attraction providing a vista of a forest, horizon, canyon, lake, river, desert or mountain range;
    - e. A historic site listed in a historic register or historical publication, marked by official historical markers or plaques, or acknowledged by Native American tribal history;
    - f. A scientific institution, designated research area, or site of specialized research techniques and apparatus that is an accredited educational agency or is permitted by a governmental agency;
    - g. A natural outdoor recreational land or water area; or
    - h. A religious site that is marked by an official marker or plaque, or acknowledged by Native American tribal history, and is:
      - i. Related to a religious activity pertaining to customs of a particular culture or religion, or
      - ii. A religious activity of historical or cultural significance took place there.
  - 3. The annual attendance at the destination or activity shall meet or exceed the limits set forth in Table 1.
- F.** Directional sign qualification process for a privately-owned destination or activity.
- 1. An owner of a destination or activity shall submit a directional activity qualification form provided by the Department, along with other documentation that demonstrates a destination or activity qualifies for a directional sign according to this Section, to the Department at either address listed in R17-3-610(A)(3).
  - 2. The Director shall appoint a DSQ Board consisting of three administrative or professional employees of the Department, one of whom shall be designated as chairperson, to decide on the application.
  - 3. The DSQ Board shall review all materials submitted by an owner of a destination or activity and approve whether an activity or destination qualifies for a directional sign, using the criteria in this Section and whether it is compatible with the interests of the motoring public.
  - 4. The DSQ Board shall mail a written notice of its decision of approval or rejection to the owner of the destination or activity, within 10 days after the decision is made.
  - 5. If the DSQ Board approves a destination or activity as qualifying for a directional sign, the owner of a destination or activity shall obtain a permit according to R17-3-610 and include the approval with the permit form before placing a sign.
  - 6. The Department shall process the permit application and issue the permit if the sign meets all other appropriate criteria.
  - 7. Rejection of a destination or activity as qualifying for a directional sign constitutes rejection of an application for a permit.

**R17-3-609. Official Signs**

- A.** An owner of an official sign shall obtain a permit, following the permit procedures in R17-3-610 before:
- 1. Placing a new sign; or
  - 2. Altering, replacing, or relocating an existing conforming sign.
- B.** The following are official signs.
- 1. A sign authorized in writing by the governmental agency responsible for the activity or destination the sign advertises;
  - 2. A public service sign located on a school bus stop shelter, if the following apply:
    - a. The public service sign is authorized by law, rule, or ordinance;
    - b. The local government or the Department approve the location of the school bus stop shelter;
    - c. The copy contains only:
      - i. Safety slogans or messages, and identifies the donor, sponsor, or contributor to the shelter; and
      - ii. The safety slogans or messages are on not less than 60 percent of the sign area;
    - d. The public service sign is 32 square feet or less in area; and



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- e. The public service sign is the only sign on that side of the school bus stop shelter;
- 3. A public utility sign that displays only noncommercial text, numbers, or graphic images;
- 4. A service club or religious sign that is less than 12 square feet in area; and
- 5. A multi-faced community sign that is placed by a local nonprofit community association and that:
  - a. Is less than 1,200 square feet in total area, and
  - b. Has no greater horizontal face dimension than 60 feet and no greater vertical face dimension than 20 feet.

**R17-3-610. Permit Application Process**

- A. Permit form.** To apply for a permit, a sign owner shall do the following:
- 1. Obtain and complete a permit application, including the following information:
    - a. Name, address, and telephone number of the applicant sign owner;
    - b. Name, address, and telephone number of the owner of the property on which the sign will be placed;
    - c. A certification from the local zoning authority of the zoning classification of the property upon which the sign will be placed; and
    - d. Sign and certify that all the information on the application is correct and true.
  - 2. Include with the application:
    - a. A check or money order made payable to the "Arizona Department of Transportation" in the amount specified in Table 2. A fee is not required for a sign placed by a federal, state, or local government.
    - b. A diagram that indicates the:
      - i. Location of the sign;
      - ii. Highway, highway number, physical features such as buildings, bridges, culverts, poles, mileposts, and any other stationary landmarks at the sign location; and
      - iii. Distance (in feet) from the sign location to the nearest highway milepost marker, named street intersection, if any, commercial or industrial activity, and any other off-premise sign within 600 feet of the sign location;
    - c. The legal description (including book, map, and parcel description) of the property upon which the sign will be placed;
    - d. Written authorization from the property owner allowing the applicant to place and maintain the sign;
    - e. An 8 1/2" by 11" sketch of the sign, such as sign structure and facing, including dimensions of both; and
    - f. A copy of any approved permits required by a local jurisdiction.
  - 3. Submit the application and other required information and fee as follows:
    - a. Mail only: Arizona Department of Transportation,  
Intermodal Transportation Division,  
206 S. 17th Avenue, MD004R,  
Phoenix, AZ 85007,  
Attention: Maintenance Permits Manager, Maintenance Section;
    - b. Deliver only: Arizona Department of Transportation,  
Intermodal Transportation Division,  
2739 E. Washington, Room 116,  
Phoenix, AZ 85034,  
Attention: Maintenance Permits Manager, Maintenance Section;
  - 4. Place a site marker, such as a stake or flag, bearing the sign owner's name at the location of the edge of the sign closest to the highway right-of-way before submitting the sign application. The sign owner shall ensure that the site marker is visible from the highway, and that it remains on the site for at least 30 consecutive days after the application is submitted; and
  - 5. Ensure that the application, the sign, and the sign location meet all requirements at the time of submitting the application to the Department.
- B. Department processing.**
- 1. The time-frames for a permit application are stated in R17-1-102.
  - 2. A sign owner shall submit a separate form and pay a separate fee for each sign.
  - 3. If the Department receives two or more permit applications for the same site or for sites that are in conflict with each other, the Department shall process first the application it received first.
  - 4. The Department shall deny an application if the sign would make a permitted site non-conforming or unlawful.
- C. Permit.**
- 1. The Department shall issue a permit form and decal to the sign owner if it approves the permit application.
  - 2. The sign owner shall attach the permit decal to the sign described on the permit application at the time the sign is placed, ensuring that the decal is clearly visible from the main-traveled way.
  - 3. The sign owner shall obtain from the Department a replacement permit decal if the issued permit decal is lost, destroyed, attached to the sign improperly, or becomes unreadable from the main-traveled way.

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4. The sign owner shall place the sign within 60 days after permit issuance. The Department shall grant a 30-day extension in which to place the sign if, before the expiration of the original 60-day period, the sign owner submits a written request for the extension to the Department at either address in subsection (A)(3).
5. If a sign owner does not place the sign within the original 60-day period or any approved extension period, the permit becomes void and the sign owner forfeits all permit fees paid.
6. The permit expires 12 months from the permit issuance date printed on the permit.
7. A sign owner shall renew a permit under the permit renewal process described in subsection (D) no later than 30 days after the permit's expiration date.
8. A permit is transferable when the ownership of a sign changes, if the new owner notifies the Department in writing, at either address listed in subsection (A)(3), no later than 10 days after the effective date of the ownership change. After 10 days, the new owner shall apply for and obtain a new permit.
9. Until a change of ownership notice is filed with the Department, any notice regarding the sign the Department sends to the owner indicated in the Department's record shall be constructive notice to the new owner of the information contained in the notice.

**D. Permit renewal process. The sign owner shall:**

1. Obtain and complete a one year permit renewal form, providing any updated information relating to:
  - a. Sign ownership.
  - b. Property ownership.
  - c. Zoning, and,
  - d. Changes to the sign.
2. Submit a check or money order payable to the "Arizona Department of Transportation" in the amount specified in Table 2. The sign owner shall submit the one year permit renewal form and the permit renewal fee to either address in subsection (A)(3) within 30 days after the permit's expiration date; and
3. Sign and certify that all the information on the application is correct and true.

**E. Void Permit. A sign is unlawful if the permit for the sign becomes void. A permit becomes void under any of the following circumstances:**

1. The sign is not placed at its permitted location within the time period specified in subsection (C);
2. The sign is removed from a permitted location for a period of 30 days, except when maintenance or repair work is performed on the sign under R17-3-611;
3. The sign is not placed in conformance with the permit application;
4. The permit application contained incorrect, unlawful, or misleading information;
5. The Department issues the permit in error;
6. The copy on the sign face is changed in a manner that changes the status of the sign from an off-premise sign to an on-premise sign;
7. The sign is determined to be unlawful under statute or rule;
8. The Department cannot locate the sign owner based on information contained on the permit application, renewal application, or other written correspondence submitted by the owner;
9. The permit is not renewed as provided in subsection (D); or
10. A property owner, sign owner, or advertiser does or causes any of the following:
  - a. Places, maintains, or repairs a sign located on a freeway from any portion of the right-of-way of the freeway;
  - b. Places, maintains, or repairs a sign, located on a highway other than a freeway, from any portion of the right-of-way of the highway without obtaining an encroachment permit from the Department before the work is performed; or
  - c. Unlawfully trims or removes or causes to be trimmed or removed, any vegetation that is located in the highway right-of-way.

**R17-3-611. Off-Premise Sign Maintenance and Repair**

- A.** A sign owner can repair or perform maintenance to a conforming off-premise sign.
- B.** A sign owner can repair or perform maintenance to a non-conforming off-premise sign if the annual cost of maintenance or repair does not exceed 50 percent of the sign's appraised value.
- C.** The annual cost of maintaining or repairing a non-conforming off-premise sign may exceed 50 percent of the sign's appraised value if:
  1. The sign has been damaged by vandalism, fire, wind, explosion, vehicular impact, or an act of God;
  2. The same type of material in the original sign is substituted for destroyed material, if new materials are used to repair the sign;
  3. The sign owner submits a written notice to the Department at either address listed in R17-3-610(A)(3), of the intended repair before repairing the damaged sign and includes the following in the written notice:
    - a. The cost of the replacement materials and the total replacement cost of the sign's materials,
    - b. An explanation of how the sign was damaged.

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- c. The date the sign was damaged, and
- d. The projected completion date of the intended repair, and
- 4. The sign owner shall sign the written notice, thereby certifying that all information is correct and true.
- D.** A non-conforming off-premise sign can be relocated on the same property to a location that is within 15 feet of the original location if the sign is damaged by vandalism, fire, wind, explosion, vehicular impact, or an act of God.
- E.** Non-structural protective trim can be added to a non-conforming off-premise sign wooden support structure so long as the trim contains no advertising copy.

**R17-3-612. Administrative Procedures**

The procedures in A.R.S. § 28-7906(D) through (H), and R17-1-501 through R17-1-513 shall govern when a property owner or sign owner seeks to request a hearing in connection with a permit application denied or other action taken by the Department in connection with statutes or the sections in this Article.

**Table 1. Attendance Requirements for a Directional Sign for Privately-owned Destination or Privately-sponsored Activity**

<u>Sites by Group:</u>	<u>Minimum Annual Attendance at a National or Regional Site:</u>	<u>Minimum Annual Attendance at a Local Site</u>
<u>Educational and Cultural Sites</u>	<u>6,000</u>	<u>2,000</u>
<u>Natural Phenomena</u> <u>Scenic Attractions</u> <u>Historic Sites</u> <u>Scientific Sites</u> <u>Religious Sites</u>	<u>500,000</u>	<u>5,000</u>
<u>Recreational Areas</u>	<u>150,000</u>	<u>3,000</u>

**Table 2. Application Fees**

<u>Type of Application</u>	<u>Fee</u>
<u>Off-premise, official, or directional sign</u>	<u>\$75</u>
<u>Directional sign qualification</u>	<u>\$0</u>
<u>Renewal for off-premise sign</u>	<u>\$20</u>

**ARTICLE 7. HIGHWAY ENCROACHMENTS AND PERMITS**

**R17-3-701. Outdoor advertising control Repealed**

- A.** Purpose. The purpose of this subsection is to present the definitions of specialized terms used in describing outdoor advertising signs and matters relating thereto and to present a portion of the Arizona Revised Statutes dealing specifically with the regulation of certain advertising displays.
- 1.** Definition of terms. Terms used in this rule are defined as follows:
- a. “Erect” means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish.
  - b. “Re-erection” means the placing of any sign in a vertical position subsequent to its initial erection. Re-erection shall only occur in the event the sign has been damaged by tortious acts, acts of God such as wind, rain, flooding, or in the course of normal maintenance.
  - c. “Lease” means an agreement, oral or in writing by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.
  - d. “Illegal sign” means one which was erected and/or maintained in violation of the state law.
  - e. “On-premise sign” means any sign that meets the following requirements (such signs are not controlled by state statutes):
    - i. Premises. The sign must be located on the same premises as the activity or property advertised.
    - ii. Purpose. The sign must have as its purpose:

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- (1) The identification of the activity, or its products or services, or
- (2) The sale or lease of the property on which the sign is located, rather than the purpose of general advertising.
- iii. ~~In the case of an on-premise sign advertising an activity, the premises will include all actual land used or occupied for such activity, including its buildings, parking, storage and service areas, streets, driveways and established front, rear, and side yards constituting an integral part of such activity, provided the sign is located on property under the same ownership or lease as the activity. Uses of land which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes will not be considered as premises. Generally these will be inexpensive facilities, such as picnic, playgrounds, walking paths, or fences.~~
- f. ~~“Off-premise sign” means an outdoor advertising sign which advertises an activity, service or product and which is located on premises other than the premises at which such activity or service occurs or product is sold or manufactured.~~
- g. ~~“Nonconforming sign” means one which was lawfully erected but which does not comply with the provisions of state law or state laws passed at a later date or which later fails to comply with state law or state regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.~~
- h. ~~“Maintain” means to allow to exist, including such activities necessary to keep the sign in good repair, safe condition, and change of copy.~~
- i. ~~“Scenic area” means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.~~
- j. ~~“Parkland” means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.~~
- k. ~~“Federal or state law” means a federal or state constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.~~
- l. ~~“Scenic overlook or rest area” — an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.~~
- m. ~~“Abandoned sign” means a sign for which neither the sign owner nor the landowner claim any responsibility.~~
- n. ~~“Double-faced sign” means a sign which has two faces facing in the same direction.~~
- o. ~~“Back-to-back sign” means a sign which carries faces attached on each side of the structure, being read from opposite directions.~~
- p. ~~“V-type signs” — signs which are oriented at an angle to each other, the nearest points of which are not more than ten feet apart.~~
- q. ~~“Face” means the surface of an outdoor advertising structure on which the design is posted or painted, usually made of galvanized metal sheets, fiberboard, plywood or plastic.~~
- r. ~~“Landmark sign” means a sign of historic or artistic significance which existed on October 22, 1965 which may be preserved or maintained as determined by the Director and approved by the Secretary of Transportation.~~
- s. ~~“Normal maintenance (nonconforming sign)”, is that customary to keep a sign in ordinary repair, upkeep or refurbishing. Such maintenance will not exceed 50% of the appraised value of the sign. Repairs will be allowed for fires, winds, explosions, or other acts of God. Current appraisal schedules will be used in making value determinations. Normal maintenance also includes re-erection at the same location or within a reasonable distance of the original location, not to exceed ten feet.~~
- t. ~~“Intended to be read from the main traveled way” is defined by any of the following criteria:~~
  - i. ~~More than 80% of the average daily traffic (as determined by ADOT traffic counts) viewing the outdoor advertising is traveling in either or both directions along the main-traveled way.~~
  - ii. ~~Message content is of such a nature that it would be only of interest for the traffic using the main-traveled way.~~
  - iii. ~~The sales value of the outdoor advertising is directly attributable to advertising circulation generated by traffic along the main-traveled way.~~
- u. ~~“Within the view of and directed at the main-traveled way” means any sign which is readable from the main-traveled way for more than five seconds traveling at the posted speed limit or for such a time as the whole message can be read whichever is less.~~
- v. ~~“Interchange” means a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams.~~
- 2. State statute regarding outdoor advertising. The following portion from Title 28 of the Arizona Revised Statutes is the authority for and is relevant to the content and intent of this rule. This portion of the A.R.S. is from Title 28, amended effective August 22, 1975. Exhibits 1 through 8 portray the essence of requirements promulgated by these statutes.

**~~“CHAPTER 16  
BEAUTIFICATION OF HIGHWAYS~~**

**~~ARTICLE 1. REGULATION OF CERTAIN ADVERTISING DISPLAYS~~**

**~~“28-2101. Definitions~~**

In this Article, unless the context otherwise requires:

1. ~~“Business area” means an area outside municipal limits embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied for such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity and which is zoned, under authority of law, primarily to permit industrial or commercial activity. However, when one or more commercial or industrial activities are located within one thousand feet of a freeway interchange, the business area shall extend three thousand feet measured in each direction parallel to the freeway from the center line of the crossroad, but shall not extend beyond the limits of the established commercial or industrial zone.~~
2. ~~“Freeway” means a divided arterial highway on the interstate or primary system with full control of access and with grade separations at intersections.~~
3. ~~“Information center” means a site established and maintained at a safety rest area for the purpose of informing the public of places of interest within the state and providing other information the transportation board considers desirable.~~
4. ~~“Interstate system” means that portion of the national system of interstate and defense highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.~~
5. ~~“Main traveled way” means the portion of a roadway for the movement of vehicles, exclusive of shoulders, on which through traffic is carried. In the case of divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads or parking areas.~~
6. ~~“Outdoor advertising” means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform, the message of which is visible from any place on the main traveled way of the interstate, secondary or primary systems.~~
7. ~~“Primary system” means that portion of connected main highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.~~
8. ~~“Safety rest area” means a site established and maintained by or under public supervision or control for the convenience of the traveling public within or adjacent to the right of way of the interstate or primary systems.~~
9. ~~“Secondary system” means that portion of connected highways located within this state as may now or hereafter be officially designated by the transportation board and approved by the secretary of transportation pursuant to title 23, United States Code.~~
10. ~~“Unzoned commercial or industrial area” means an area not zoned under authority of law in which land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on the same side of the highway on which one or more commercial or industrial activities are conducted, including all land within one thousand feet measured in any direction from the nearest edge of the actual land used or occupied by such activity, including its parking, storage and service areas, its driveways and its established front, rear and side yards, constituting an integral part of such activity. As used in this paragraph, “commercial or industrial activities” does not include:~~
  - ~~(a) Outdoor advertising structures.~~
  - ~~(b) Agricultural, forestry, grazing, farming and related activities.~~
  - ~~(c) Transient or temporary activities including but not limited to wayside fresh produce stands.~~
  - ~~(d) Activities not visible from the main traveled way.~~
  - ~~(e) Activities conducted in a building principally used as a residence.~~
  - ~~(f) Railroad tracks and minor sidings, and above ground or underground utility lines.~~

**~~“28-2102. Outdoor advertising authorized~~**

- A. ~~The following outdoor advertising may be placed or maintained along interstate, secondary and primary systems within six hundred sixty feet of the edge of the right of way:~~

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1. Directional or other official signs or notices that are required or authorized by law, including but not limited to, signs pertaining to natural wonders, scenic and historic attractions.
  2. Signs, displays and devices advertising activities conducted on the property upon which they are located.
  3. Signs, displays and devices advertising the sale or lease of property upon which they are located.
  4. Signs, displays and devices lawfully placed after April 1, 1970, in business areas.
  5. Signs, displays and devices lawfully placed after the effective date of this Article in zoned or unzoned commercial or industrial areas inside municipal limits, or after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
  6. Signs, displays and devices lawfully existing on April 1, 1970, which are located in business areas, and in zoned commercial or industrial areas outside of municipal limits.
  7. Signs, displays and devices lawfully existing on the effective date of this Article which are located in zoned or unzoned commercial or industrial areas inside municipal limits, or on April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits.
- B. Outdoor advertising authorized under subsection A, paragraphs 1, 4 and 5 of this Section shall conform with standards contained, and shall bear permits required, in regulations promulgated by the director under the provisions of this Article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
- C. Outdoor advertising authorized under paragraphs 6 and 7, subsection A of this Section need not conform to standards contained, but shall bear permits required, in regulations promulgated by the director under the provisions of this Article, except that such authorized outdoor advertising along highways in the secondary system which are not state highways need only bear permits required by the responsible county or municipal authority.
- D. Signs lawfully in existence on October 22, 1965 which are determined by the director, subject to the approval of the secretary of transportation as provided for by § 131(e) of Title 23 of the United States Code, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this Article, may be preserved or maintained.

**~~“28-2103. Outdoor advertising prohibited~~**

- A. No outdoor advertising shall be placed or maintained adjacent to the interstate, secondary or primary systems at the following locations or positions or under any of the following conditions or if it is of the following nature:
1. If within view of, directed at, and intended to be read from the main-traveled way of the interstate, primary or secondary systems, excepting outdoor advertising authorized under § 28-2102.
  2. If visible from the main-traveled way and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this Article, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words “STOP” or “SLOW DOWN”.
  3. If within any stream or drainage channel or below the flood water level of any stream or drainage channel where the outdoor advertising might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
  4. If visible from the main-traveled way and displaying any red, flashing, blinking, intermittent or moving light or lights likely to be mistaken for a warning or danger signal, excepting that part necessary to give public service information such as time, date, weather, temperature or similar information.
  5. If any illumination thereon is of such brilliance and so positioned as to blind or dazzle the vision of travelers on the main-traveled way.
  6. If existing under a permit as required by this Article and not maintained in a safe condition.
  7. If obviously abandoned.
  8. If placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging or intersecting traffic.
  9. If placed upon trees, or painted or drawn upon rocks or other natural features, excepting signs permitted under § 28-2102, subsection A, paragraph 2.
- B. At interchanges on freeways or interstate highways outside of municipal limits, no outdoor advertising signs, displays or device shall be erected in the area between the crossroad and a point five hundred feet beyond the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

**~~“28-2104. Standards for outdoor advertising; directional and other official signs; business areas and unzoned commercial or industrial areas outside municipal limits; zoned or unzoned commercial or industrial areas within municipal limits~~**

- A. Directional and other official signs authorized under § 28-2102, subsection (A), paragraph (1), shall comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this Article, which regulations shall not be inconsistent

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with such national standards as may be promulgated from time to time by the secretary of transportation of the United States pursuant to subdivision (c) of § 131 of Title 23 of the United States Code.

- B. After April 1, 1970, outdoor advertising placed in business areas and after April 1, 1972, in unzoned commercial or industrial areas outside of municipal limits shall comply with the provisions of this Article and the following standards:
  - 1. Size of outdoor advertising shall not exceed one thousand two hundred square feet in area with a maximum vertical facing dimension of twenty-five feet and a maximum horizontal facing dimension of sixty feet, including border and trim, and excluding base or apron supports and other structural members. Such size limitations shall apply to each facing of outdoor advertising. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding three hundred fifty square feet each may be placed in a facing. Back to back or V type signs may be placed, with the maximum area allowed for each facing.
  - 2. Spacing of outdoor advertising shall be such that it is not placed:
    - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
    - (b) Within five hundred feet of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way at a scenic overlook or safety roadside rest area on any portion of a freeway.
    - (c) Within three hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.
  - 3. Minimum spacing distances from other outdoor advertising shall not apply to outdoor advertising which is separated by a building or other obstruction in such a manner that only one display located within the minimum distances set forth herein is visible from the highway at any one time. Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the outdoor advertising.
  - 4. Outdoor Advertising authorized under § 28-2102, subsection (A), paragraphs (2) and (3) shall not be counted and measured from in determining compliance with the spacing requirements of this subsection.
- C. After the effective date of this Article, outdoor advertising placed in zoned or unzoned commercial or industrial areas within municipal limits shall comply with the following standards:
  - 1. The size of outdoor advertising shall not exceed that set forth in subsection (B), paragraph (1) of this Section.
  - 2. Spacing of outdoor advertising shall be such that it is not placed:
    - (a) Within five hundred feet from other outdoor advertising on the same side of a freeway.
    - (b) Within one hundred feet from other outdoor advertising on the same side of any portion of the primary system which is not a freeway.
  - 3. It shall have the same standard as subsection (B), paragraph (3) of this Section.
  - 4. It shall have the same standard as subsection (B), paragraph (4) of this Section.

**~~“28-2105. Authority to acquire outdoor advertising and property rights; compensation; removal~~**

- A. The director shall acquire by gift, agreement, purchase, exchange, eminent domain or other lawful means, all right, title, leasehold, and interest in any outdoor advertising together with the right of the owner of the real property on which such outdoor advertising is located to erect and maintain such outdoor advertising thereon, when the outdoor advertising is prohibited by this Article. Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- B. If compensation is required by federal law, and if federal participation in such compensation is required by federal law, nonconforming outdoor advertising shall not be required to be removed until federal funds for the federal share of compensation therefor as required by such federal law have been made available to the Department.
- C. When outdoor advertising is placed after the effective date of this Article, contrary to provisions of this Article or the regulations promulgated by the director, or when a permit is not obtained as prescribed in this Article, the outdoor advertising shall be deemed unlawful. The director shall give notice by certified mail of his intention to remove advertising deemed unlawful to both the owner or the occupant of the land on which such outdoor advertising is located and the owner of the outdoor advertising, if the latter is known, or if unknown, by posting notice in a conspicuous place on such outdoor advertising. Within seven days after such notice is mailed or posted the owner of the land or the outdoor advertising may make a written request to the director for a hearing to show cause why the outdoor advertising should not be removed. The director shall designate a hearing officer, who shall be an administrative employee of the department, to conduct and preside at such hearings. When a hearing is requested under this provision, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days' notice of the time of such hearing. All hearings shall be conducted at department administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing. If the decision is adverse to the party, the party may within ten days after the decision is

rendered, petition the superior court of the county wherein the outdoor advertising is located to determine whether the decision of the hearing officer was lawful and reasonable. If the decision of the court upholds that of the director, all costs from the time of the administrative hearing, including court costs, shall be borne by the owner of the land or the outdoor advertising or both. If a hearing before the director is not requested, or if there is no appeal taken from the director's decision of such hearing, or if the director's decision is affirmed on appeal, the director shall immediately remove the offending outdoor advertising. The owner of the outdoor advertising or the owner or occupant of the land or the owner of the outdoor advertising and the owner or occupant of the land shall be liable for the costs of such removal. The director shall incur no liability for such removal.

**~~“28-2106. Agreement with secretary of transportation; outdoor advertising regulations; permits~~**

The director shall:

1. Enter into the agreement with the secretary of transportation provided for by § 131(d) of Title 23 of the United States Code setting forth the standards governing the size, lighting, and spacing of outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (4) and (5), and defining an unzoned commercial or industrial area. If the standards and definitions contained in the agreement do not agree substantially with the provisions of this Article, the agreement shall not become effective until the legislature by statute amends this Article to conform with the terms of the agreement.
2. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising. Such regulations shall be consistent with the public policy of this state to protect the safety and welfare of the traveling public, the provisions of this Article, the terms of the agreement with the secretary of transportation, and the national standards, criteria, and rules and regulations promulgated by the secretary of transportation pursuant to § 131 of Title 23, United States Code.
3. Define by rules or regulations, unzoned commercial or industrial areas along with the interstate and primary systems. The definitions shall be consistent with the definitions of these areas set forth in this Article and set forth in the agreement with the secretary of transportation.
4. Issue permits to place or maintain, or both, outdoor advertising authorized under § 28-2102, subsection (A), paragraphs (1), (4), (5), (6) and (7), and establish and collect fees for the issuance of such permits. The fees shall be not more than the actual costs to the department. All fees collected under the provisions of this Article shall be paid to the state treasurer for credit to the state highway fund.

**~~“28-2107. Control of advertising displays along interstate, secondary and primary highways by municipality or county~~**

If an incorporated municipality or county desires to control outdoor advertising along interstate, secondary and primary highways, it may do so upon request to the director and certification by the director to the secretary of transportation that the municipality or county has enacted comprehensive zoning ordinances and by ordinance regulates the size, lighting, and spacing of outdoor advertising in zoned commercial and industrial areas along interstate, secondary and primary highways, providing that municipalities or counties may not assume control of outdoor advertising under the provisions of this Section if the ordinance provisions are less restrictive than the provisions of this Article.

**~~“28-2108. Advertising displays in safety rest areas; information centers~~**

In order to provide information in the specific interest of the traveling public, the director may authorize advertising displays at safety rest areas and at information centers.

**~~“28-2109. Construction of Article~~**

The provisions of this Article shall be cumulative and supplemental to other provisions of law and shall not be construed as affecting or enlarging any authority of counties, cities or towns pursuant to any other provisions of law which may exist to enact ordinances regulating the size, lighting, and spacing of outdoor advertising.

**~~“28-2110. Violating penalty~~**

A person who violates any provision of this Article or any regulation of the director made and promulgated under this Article is guilty of a misdemeanor.”

**B. Authority and responsibility.**

1. Purpose. The purpose of this subsection is to describe the authority and responsibilities the Arizona Department of Transportation exercises in developing rules and regulations relative to outdoor advertising facilities.
2. ADOT responsibilities regarding advertising control. The Arizona Department of Transportation is directed to:
  - a. Enter into an agreement with the U.S. Secretary of Transportation provided for by § 131(d) of Title 23, United States Code, setting forth standards governing outdoor advertising authorized;
  - b. Prescribe and enforce regulations governing the placing, maintenance, and removal of outdoor advertising;
  - c. Define by rules or regulations, unzoned commercial or industrial areas along the interstate and primary systems;
  - d. Issue permits to place or maintain, or both, outdoor advertising authorized under the act and establish and collect fees for the issuance of such permits.



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3. Rules, regulations, and authority. The regulation of outdoor advertising along Arizona Highways by the Arizona Department of Transportation was established by A.R.S. §§ 28-2101 through 28-2110 by the twenty-ninth legislature in second regular session and subsequent amendments. This legislation was approved by the governor and filed in the Office of the Secretary of State on May 18, 1970. The rules and regulations prescribed herein describe the administrative procedure adopted by the Arizona Department of Transportation to aid and guide the effective control of outdoor advertising. These rules and regulations are in addition to and do not purport to change or alter the federal act, the state act, or the federal-state agreement.
4. Permit application procedure. Maintenance Permit Services, Highways Division, Arizona Department of Transportation, is responsible for administering a permit procedure.
- C. Outdoor advertising permit application procedure.
  1. Purpose. The purpose of this subsection is to present the procedures to be followed by applicants in requesting permits for the erection of outdoor advertising facilities.
  2. ADOT permit form and fee required. Each application for a permit to erect an outdoor advertising facility must be made on the appropriate Arizona Department of Transportation form and shall be accompanied by a check or money order in the amount of \$20.00 payable to the Arizona Department of Transportation.
    - a. The initial application fee shall be valid for a period of one year from date of issuance. It shall be renewable annually upon payment of a \$5.00 fee.
    - b. Renewal fees will become delinquent 30 days after the annual renewal date. On becoming delinquent, such sign structures will be in violation and a new initial application fee of \$20.00 will be required.
  3. Applications mailed to maintenance permit engineer. Applications for outdoor advertising permits should be mailed to:

Arizona Department of Transportation  
Highway Division  
206 South 17th Avenue  
Phoenix, Arizona 85007,  
Attention: Maintenance Permit Engineer, Maintenance Section.

    - a. Assistance to applicants is available at District offices. (See list of district office addresses in Exhibit 9).
  4. Separate application for each sign. Each outdoor advertising sign, display or device requires a separate application with fee. All required information describing the location of the sign, the sign qualification standards, and the permitted area identification shall be completely entered on the permit form.
  5. Legal description of sign site required. Applicants shall be required to obtain a certification from the governing zoning authority certifying that the zoning is correct for the legal description of the proposed sign location. In cases where the legal description is listed incorrectly on the application, a new certification must be obtained for the correct legal description. Legal descriptions shall adequately describe the property for which the application is made.
  6. Location diagram required. Applicants shall submit a location diagram indicating highway route number and such physical features as: buildings, bridges, culverts, poles, mileposts and other stationary land marks necessary to adequately describe the location. The sketch will also indicate the distance in feet the sign is to be erected from the nearest milepost or a street intersection and other off-premise signs in the same vicinity.
  7. Applicants must mark site locations. Applicants are required to place an identifiable device or object bearing applicant's name at the proposed sign location to aid field inspectors in site evaluations.
  8. Landowner's permission mandatory. Applicants shall be required to obtain a signed certification stating that the applicant has the permission of the landowner to erect the sign at the noted legal description, or in lieu thereof, furnish a copy of an executed lease.
  9. Each pending application field checked. Each pending application will be field checked for compliance with the state act and ADOT regulations by the district. The findings of the field check will be forwarded to the Maintenance Permit Engineer, Maintenance Section, for final examination and if approved, permit issuance.
  10. Noncompliance. Each application for a permit to erect an outdoor advertising facility which does not comply with all requirements of the law and the Arizona Department of Transportation regulations, will be denied and the application fee may be retained by the state. Exception will be made in cases where applicants did not have knowledge of previous applications or permits for the same site.
    - a. An additional \$20.00 fee shall be added to the regular permit fee for signs illegally erected prior to the issuance of a permit.
  11. Permit decals on sign structures. Applicants shall affix permit decals on a permanent surface near the portion of the sign structure closest to the main traveled way and clearly visible from said roadway. Permit decals to replace any which have been issued and were improperly affixed, lost or destroyed, whether before or after attaching to the sign structure, may be purchased at a cost of \$5.00.
    - a. Signs bearing permit decals for signs other than the sign for which they were issued shall be in violation.
  12. Forfeiture of permit fee. Outdoor advertising facilities for which permits have been issued shall be erected within 120 days and shall bear the official permit identification issued for the specific facility. If the applicant mails a written

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request for extension of time prior to expiration of the 120 days, an additional 60-day extension may be granted. Any permit canceled because no sign was erected within the prescribed time will result in forfeiture of the \$20.00 fee.

13. Denial of permit renewals. An existing permit will not be renewed for an approved location on which no sign structure exists.
14. Removal and re-erection time limits. If an outdoor advertising sign is removed from a permitted location for any reason, the permit shall expire within 30 days from date of removal, except that the permittee may notify the Arizona Department of Transportation, Highways Division, Maintenance Permit Engineer, of intent to re-erect which will allow 120 days for re-erection. Failure to re-erect which will allow 120 days for re-erection. Failure to re-erect within the 120 days allowed will cancel the existing permit.
15. Transfer of permits. Permits are transferable upon sale of sign provided a new order furnishes the Arizona Department of Transportation with notification of sale within 30 days after date of sale.
16. Calendar days. All references to days made in this permit application procedure, as well as those references in all rules and regulations applying to outdoor advertising control, shall mean calendar days.

**D. Administrative rules.**

1. Purpose. The purpose of this subsection is to present administrative rules developed by the Arizona Department of Transportation for control of outdoor advertising.
2. Restrictions on rights-of-way use. No sign shall be erected or maintained from or by use of interstate highway rights-of-way. Any observed action of this type will result in cancellation of the permit. Signs may be erected and maintained from primary and secondary highways only if no other access is available and an encroachment permit is issued.
3. Nonconforming signs shall be in violation if:
  - a. A sign is enlarged (increased in any dimensions of the sign face or structural support);
  - b. A sign is replaced (an existing sign is removed and replaced with a completely different sign);
  - c. A sign is rebuilt to a different configuration or material composition beyond normal maintenance, or
  - d. A sign is relocated (moved to a new position or location without being lawfully permitted);
  - e. A sign which was previously non-illuminated has lighting added.
4. Commercial or industrial activities. Commercial or industrial activities which define a "business area", "unzoned commercial or industrial area" must be in operation at the time the permit application is made.
  - a. Should any commercial or industrial activity, which has been used in defining or delineating a "business area", or an "unzoned commercial or industrial area", cease to operate for a period of six continuous months, any signs qualified by such activity shall become nonconforming.
5. On-premise. Should any activity which has been used in defining an "on-premise" sign cease to operate for a period of six continuous months any signs qualified by such activity shall be considered as off-premise and will require appropriate permits. If the signs are then not permitable they will be in violation.
6. Municipal limit between signs. When a municipal limit falls between signs the spacing requirement shall be 300 feet between signs on primary or secondary highways.
7. Proposed interstate alignment locations. Signs existing or to be erected on primary or secondary highway systems which have been declared by the Director of Transportation as an interstate freeway alignment prior to construction of such interstate or freeway shall be classified as though the Interstate or Freeway already exists, requiring spacing criteria for Interstate or other freeways.
8. Double-faced, back-to-back, and V-type signs. Double-faced, back-to-back and V-type sign structure permits will be limited to a single sign ownership for each site. No more than two faces will be allowed facing each direction of travel. Double-faced signs shall not exceed 350 square feet per face. "V-type signs will be limited to a 10' spacing between faces at the apex. V-type sign spacing from other signs shall be measured from the middle of the apex."
9. Multifaced community signs. Local chambers of commerce may obtain permits to erect signs with more than two faces. These signs shall not exceed 1,200 square feet in area with a maximum overall vertical facing of 25 feet and a maximum overall horizontal facing of 60 feet, including border and trim, and excluding base or apron supports and other structural members. All other laws, rules and regulations will apply to multifaced community signs as to other off-premise signs.
10. New sign making existing sign nonconforming. If a new sign which would otherwise be conforming will make an existing sign nonconforming, the new sign shall not be allowed.
11. Hearing requests. The land owner or sign owner may request a hearing in connection with a permit application denied or other action taken by the Arizona Department of Transportation in connection with the rules herein prescribed. Within seven days after notice of such action is mailed or posted the land owner or sign owner may make written request for a hearing on such actions. The Director of Transportation shall designate a hearing officer, who shall be an administrative employee of the Department of Transportation, to conduct and preside at such hearings. When a hearing is requested, the hearing shall be held within thirty days thereafter and the party requesting the hearing shall be given at least five days notice of the time of such hearing. All hearings shall be conducted at Department of Transportation administrative offices. A full and complete record and transcript of the hearing shall be taken. The presiding

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officer shall within ten days after the hearing make a written determination of his findings of fact, conclusions and decision and shall mail a copy of the same, by certified mail, to the owner or the party who requested the hearing.

12. **Landmark signs.** The Director will submit a one-time declaration listing all landmark signs to the Secretary of Transportation. The preservation of these signs would be consistent with the purposes of state highway beautification laws.
13. **Blanked out or discontinued nonconforming signs.** When an existing nonconforming sign ceases to display advertising matter for a period of one year the use of the structure as a nonconforming outdoor advertising sign is terminated.
14. **Vandalized signs.** Legal nonconforming signs may be rebuilt to their original configuration and size when they are destroyed due to vandalism and other criminal or tortious acts.

**E. Standards for directional and other official signs.**

1. **Purpose.** The purpose of this subsection is to present standards applicable to directional and other official signs.
2. **Scope and application.** The standards presented in this Chapter apply to directional and other official signs and notices which are erected and maintained with 660 feet of the nearest edge of the right-of-way of the interstate, federal-aid primary and secondary highway systems and which are visible from the main traveled way of the systems. These types of signs must conform to national standards, promulgated by the Secretary of Transportation under authority set forth in § 131(c) of Title 23, United States Code. These standards do not apply, however, to directional and other official signs erected on the highway right-of-way.
3. **Definitions.** "Official signs and notices" means signs and notices, other than traffic regulatory, erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.
  - a. "Directional and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
  - b. "Public utility signs" means warning markers which are customarily erected and maintained by publicly or privately owned public utilities to protect their facilities.
  - c. "Service club and religious notices" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious service, which signs do not exceed eight square feet in area.
  - d. "Public service signs" means signs located on school bus stop shelters, which signs:
    - i. Identify the donor, sponsor, or contribution of said shelters;
    - ii. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the sign;
    - iii. Contain no other message;
    - iv. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
    - v. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
  - e. "Directional" means signs containing directional information about public places owned or operated by federal, state, or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, religious, and rural activity sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
  - f. "Obsolete sign" means a directional or other official sign the purpose of which is no longer pertinent.
4. **Standards for directional signs.** The following apply only to directional signs:
  - a. **General.** The following signs are prohibited:
    - i. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.
    - ii. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
    - iii. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
    - iv. Obsolete signs.
    - v. Signs which are structurally unsafe or in disrepair.
    - vi. Signs which move or have any animated or moving parts.
    - vii. Signs located in rest areas, parklands or scenic areas.
  - b. **Size.** No sign shall exceed the following limits, which include border and trim, but exclude supports:
    - i. Maximum area—150 square feet.
    - ii. Maximum height—20 feet.
    - iii. Maximum length—20 feet.
  - c. **Lighting.** Signs may be illuminated, subject to the following:

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- i. Signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights are prohibited.
- ii. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
- iii. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
- d. **Spacing.**
  - i. Each location of a directional sign must be approved by the Arizona Department of Transportation.
  - ii. No directional sign may be located within 2,000 feet of an interstate, or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).
  - iii. No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
    - (1) No two directional signs facing the same direction of travel shall be spaced less than one mile apart;
    - (2) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
    - (3) Directional signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and
    - (4) Directional signs located adjacent to the Primary System shall be within 50 air miles of the activity.
    - (5) No directional signs shall be located within 500 feet of an off-premise outdoor advertising sign on any state highway.
- e. **Message content.** The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit number. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.
- f. **Selection methods and criteria for privately owned activities or attractions to obtain directional sign approval.**
  - i. Privately owned activities or attractions eligible for directional signing are limited to the following categories:
    - (1) Natural phenomena;
    - (2) Scenic attractions;
    - (3) Historic sites;
    - (4) Educational sites;
    - (5) Cultural sites;
    - (6) Scientific sites;
    - (7) Religious sites;
    - (8) Outdoor recreational area.
  - ii. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.
  - iii. The Director, Arizona Department of Transportation, will appoint a "Selection Board for Directional Signing Qualifications" consisting of three administrative or professional employees of the Department of Transportation, one of whom shall be designated as chairman, to judge and approve the qualifications for directional signing of privately owned activities or attractions as limited to the categories in subdivision (i) and the qualification in subdivision (ii) above.
  - iv. Applicants for directional signs involving privately owned activities or attractions, shall first qualify such activity or attraction by submitting an official qualification form to the attention of the maintenance permit engineer, highways division, Arizona Department of Transportation. The maintenance permit engineer will forward the application for qualification, along with any technical data which may assist the board in making their determination, to the selection board.
  - v. Applicant shall indicate one or more categories (as listed in subdivision (i) above) that is applicable to the activity or attraction for which qualification is sought. Applicants shall submit a statement and supporting evidence that the activity or attraction is nationally or regionally known and is of outstanding interest to the traveling public.
  - vi. The qualifications board will, upon approval or rejection of an application, give notification of their determination in writing, to the applicant and to the maintenance permit engineer.
  - vii. The maintenance permit engineer will not issue any permits for directional signs for any privately owned activity or attraction until receipt of qualification approval by the qualifications board. All directional sign permits issued for the Department of Transportation by the maintenance permit engineer will meet the standards for directional and other "official signs" as incorporated in the "Rules and Regulations for Outdoor

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~~Advertising along Arizona Highways” approved and issued by the Director, Arizona Department of Transportation.~~

- ~~g. “Rural activity signs” are intended to give directions to rural activity sites located along rural roads connecting to state highways. The signs must be located in areas primarily rural in nature. Rural activities that may qualify include ranches, recreational areas and mines. Signs for private residences, subdivisions, and commercial activities are not permitted. Industrial activities that are located in primarily rural areas such as mines or material pits may be allowed. The signs shall not be located in “business areas”, “unzoned commercial or industrial areas”, nor within municipal limits. The selection board may make final determination of eligibility for such signs when necessary. Not more than one sign pertaining to a rural activity facing the same direction of travel may be erected along a single route approaching the rural connecting road. Signs will be limited to ten square feet in area. All other standards for directional signs shall apply.~~
- ~~h. No application fee, is required for “official signs and notices”, “public utility signs”, “service club and religious notices”, “public service signs” or “directional signs” erected by federal, state or local governments. Other directional signs require a permit application and \$20.00 fee.~~

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**Exhibit 1**

**TABLE OF REGULATIONS FOR OUTDOOR ADVERTISING**

SPECIFICATION	ZONED COUNTY	UNZONED COUNTY	MUNICIPALITY
Permitted Area	"Business Area"	"Unzoned Commercial or Industrial Area"	Zoned or "unzoned Commercial or Industrial Area"
Zoning Required	Commercial or Industrial	NA	Zoned—Yes Unzoned—NA
Dimension of Area	1,000 ft. each way	1,000 ft. each way	Wherever zoned and 1,000 ft. each way for Unzoned Commercial or Industrial
Dimension of Area at Freeway T.I. activity within 1,000 ft. of T.I.	3,000 ft. each way from crossroad. Except for prohibition	NA	NA
Prohibited Traffic Interchange Area	From 500 ft. beyond point of widening to crossroad	From 500 ft. beyond point of widening to crossroad	NA
<b>SPACING</b>			
Freeway—same side	500 ft. minimum	500 ft. minimum	500 ft. minimum
Primary and secondary—not a freeway	300 ft. minimum	300 ft. minimum	100 ft. minimum
Exit & Entrance to a scenic overlook or safety rest area	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	Not within 500 ft. of the beginning or end to the pavement widening of the exit or entrance	NA
<b>SIZE</b>			
Area	1,200 Sq. ft.	Same	Same
Vertical Facing	25 ft. maximum	Same	Same
Horizontal Facing	60 ft. maximum	Same	Same
2 Displays One Face	350 sq. ft. each	Same	Same

**Exhibit 2**

**AUTHORIZED OUTDOOR  
ADVERTISING  
CONTROL ZONE**

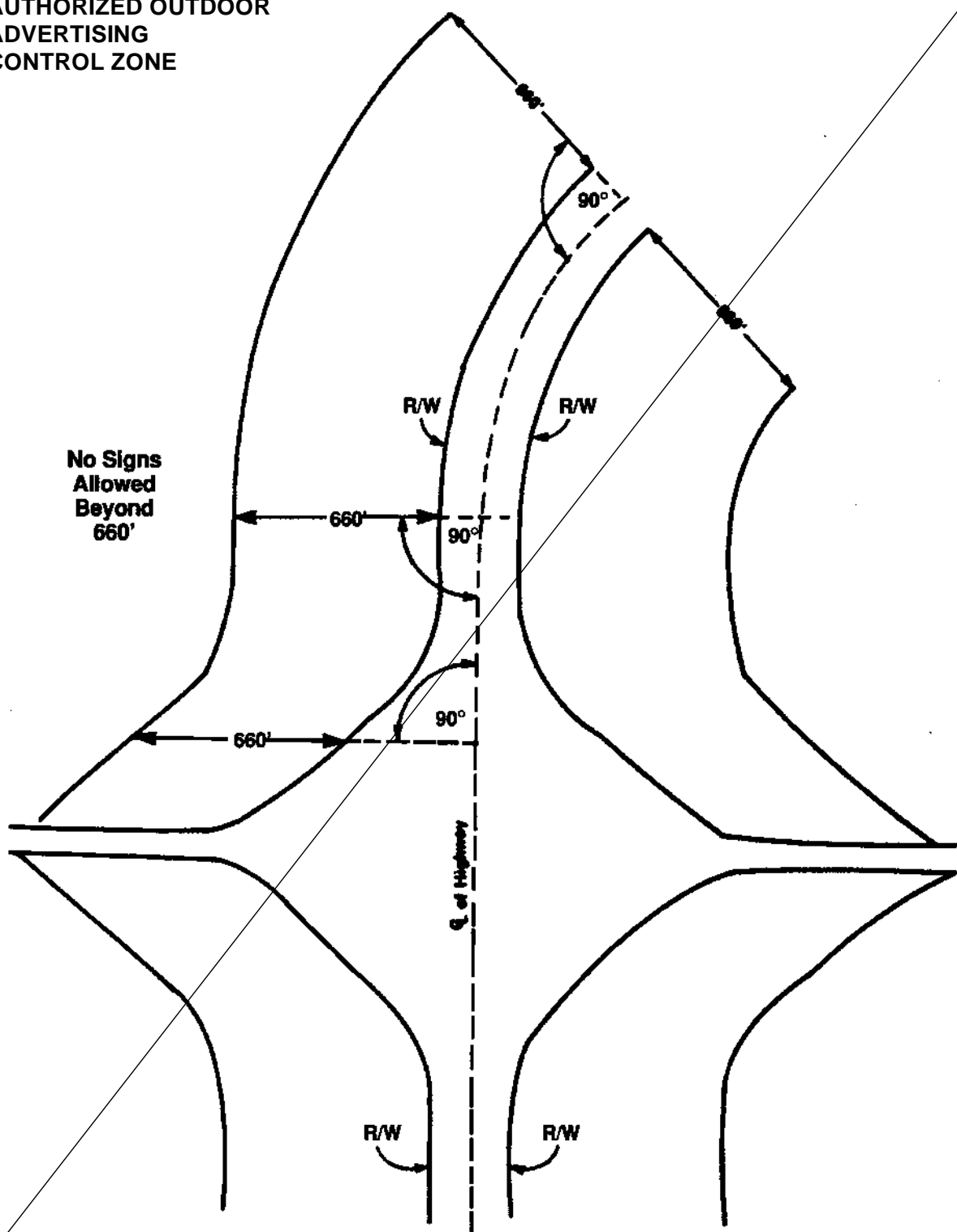


Exhibit 3

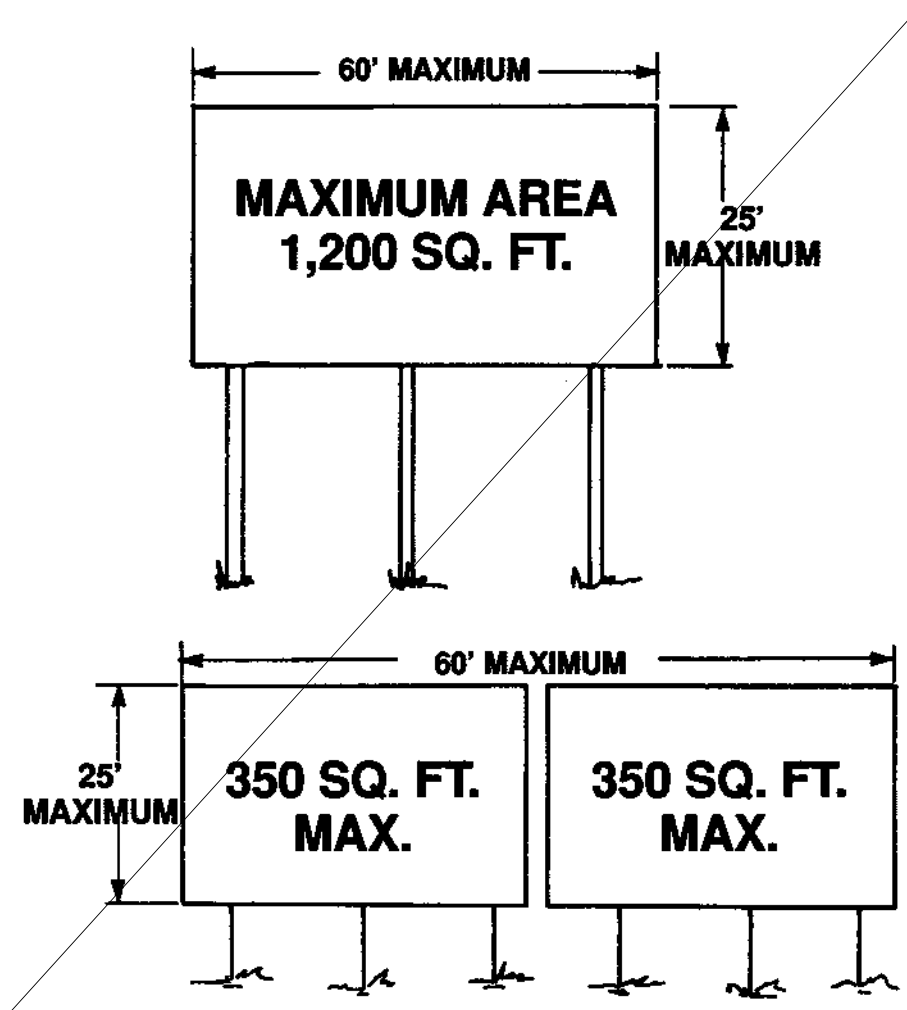
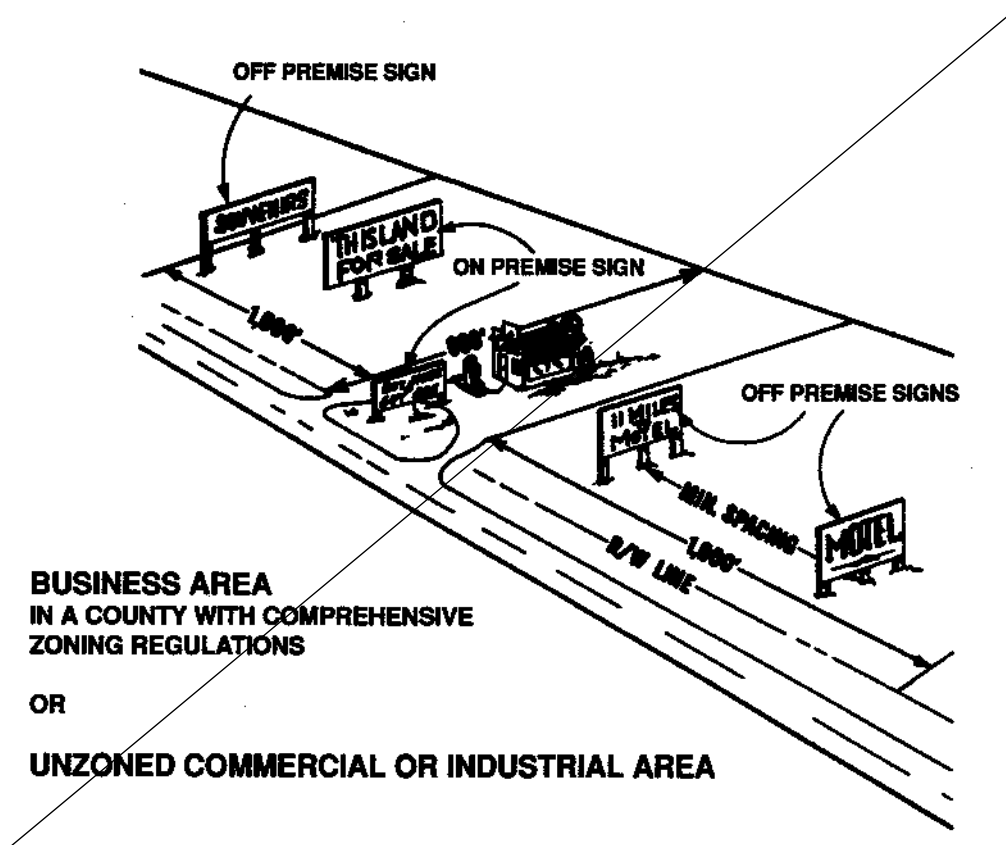
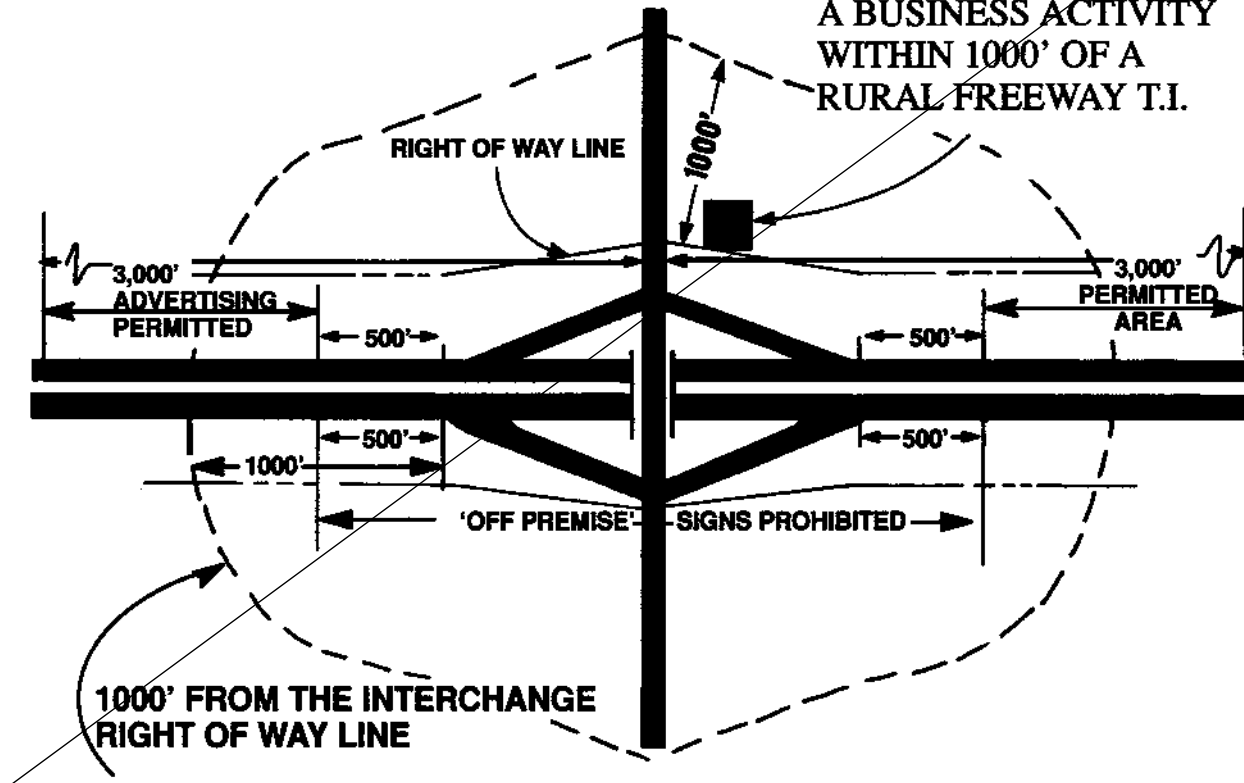




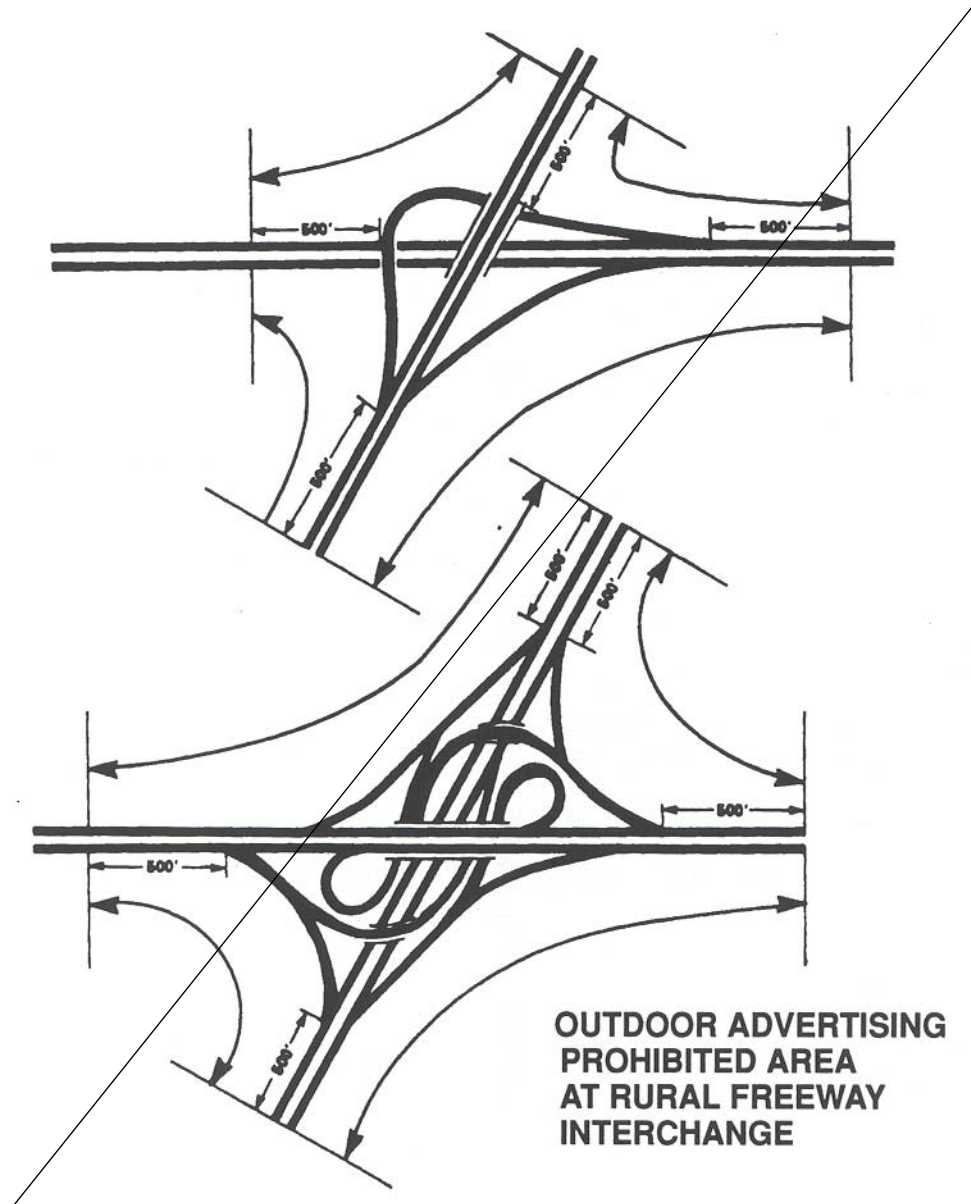
Exhibit 4



**A BUSINESS ACTIVITY  
WITHIN 1000' OF A  
RURAL FREEWAY T.I.**



**Exhibit 6**



~~Exhibit 7~~

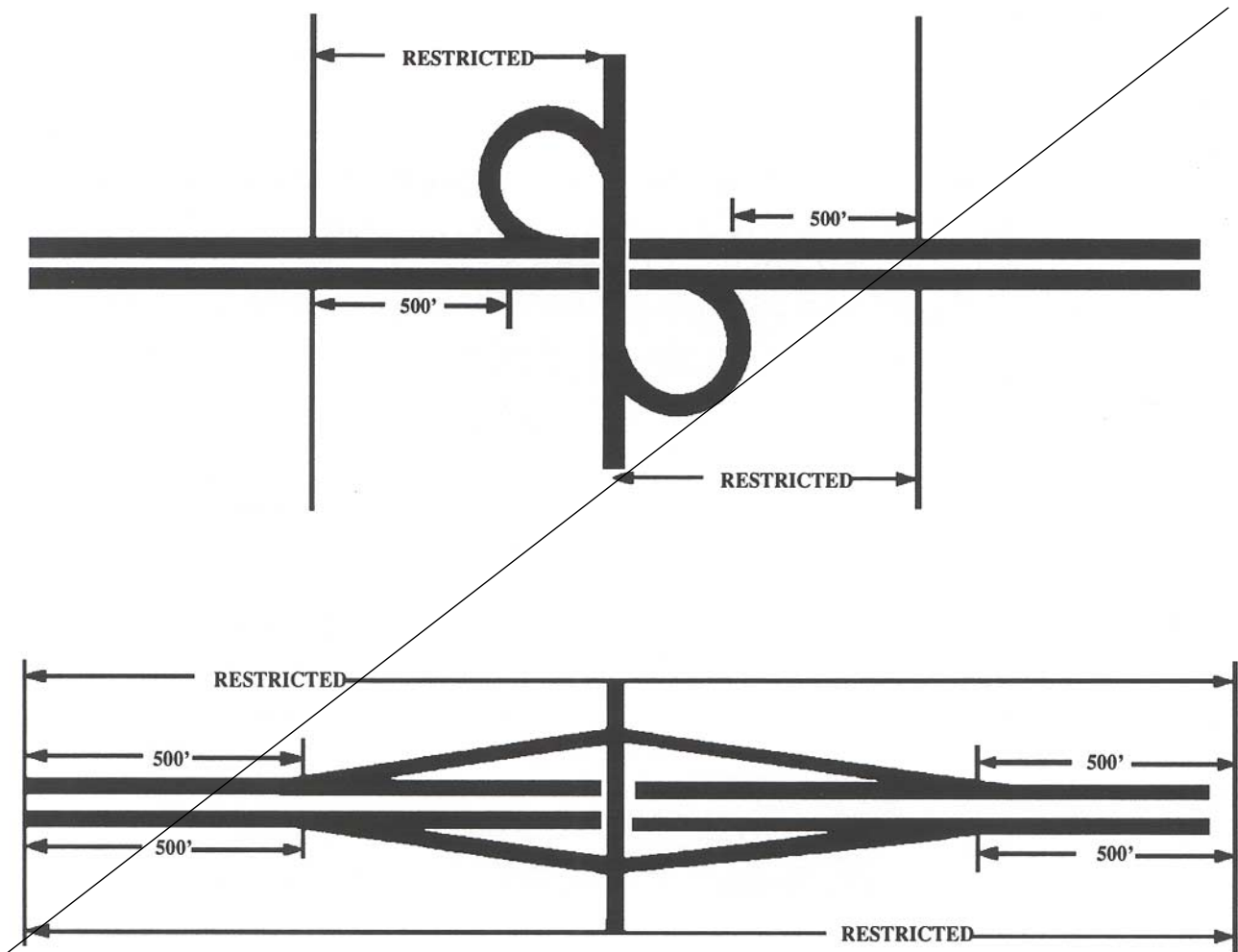


Exhibit 8

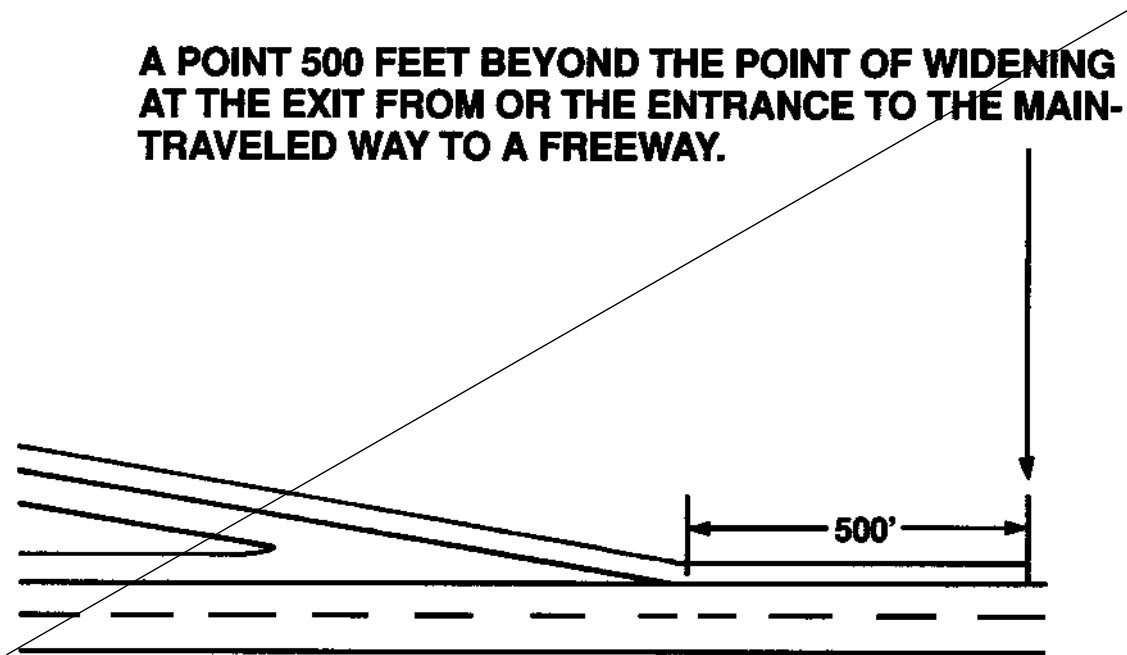


Exhibit 9

**LIST OF DISTRICT OFFICES**

	TELEPHONE	MAILING ADDRESS
DISTRICT I Office	261-7381	2140 W. Hilton Ave. Phoenix, AZ 85009
DISTRICT II Office	622-6701	1221 S. 2nd Ave. P.O. Box 27306 Tucson, AZ 85726
DISTRICT III Office	428-0030	P.O. Box 711 Safford, AZ 85546
DISTRICT IV Office	524-6801	P.O. Box 280 Holbrook, AZ 86025
DISTRICT V Office	774-1491	1801 S. Milton Rd. Flagstaff, AZ 86001
DISTRICT VI Office	445-5391	1210 East Sheldon Prescott, AZ 86301
DISTRICT VII Office	473-4401	U.S. 60-70 Claypool Drawer AD Miami, AZ 85539

Notices of Proposed Rulemaking

**R17-3-701.01. ~~Outdoor Advertising Control: Restrictions on the Erection of Billboards and Signs and Restrictions on the Issuance of Permits Repealed~~**

- ~~A.~~** Outdoor advertising shall not be erected under A.R.S. § 28-2102(A)(4) or (5) in a zoned area:
- ~~1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or~~
  - ~~2. In which limited commercial or industrial activities are permitted as an incident to other primary land uses.~~
- ~~B.~~** A permit for outdoor advertising shall not be issued under A.R.S. § 28-2106(4) in a zoned area:
- ~~1. Which is not part of a comprehensive zoning plan and which is created primarily to permit outdoor advertising structures, or~~
  - ~~2. In which limited commercial or industrial activities are permitted as an incident to other primary land uses.~~

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 17. TRANSPORTATION**

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION  
HIGHWAYS**

**PREAMBLE**

- Sections Affected**  
R17-3-904
- Rulemaking Action**  
Amend
- The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 28-366  
Implementing statute: A.R.S. § 28-7311(C)
- A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 1874, June 13, 2003
- The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Wendy S. LeStarge, Rules Analyst  
Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079  
Telephone: (602) 712-6007  
Fax: (602) 241-1624  
E-mail: wlestage@dot.state.az.us  
Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters (www.dot.state.az.us/ABOUT/rules/index.htm).
- An explanation of the rule, including the agency's reasons for initiating the rulemaking:**  
The Department is amending the urban limit for Tucson to include limits for Interstate 10 that were inadvertently omitted from the previous rulemaking.
- A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
Not applicable
- A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- The preliminary summary of the economic, small business, and consumer impact:**  
There should be no costs associated with this rulemaking, other than the costs of rulemaking. The urban limits are enforced by contract with the contractor who runs the logo sign program.

Notices of Proposed Rulemaking

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Wendy S. LeStarge, Rules Analyst  
Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079  
Telephone: (602) 712-6007  
Fax: (602) 241-1624  
E-mail: wlestarge@dot.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No oral proceeding is scheduled for this rulemaking. Written, faxed, e-mail comments, or requests for an oral proceeding may be made by contacting the analyst listed in item #4 between 8:00 a.m. and 4:30 p.m., Monday through Friday. If no oral proceeding is requested, the public comment period shall continue for 30 days from this notice's publication date. This rulemaking's public record will close at 4:30 p.m. on July 21, 2003.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

Not applicable

**13. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION  
HIGHWAYS**

**ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES**

Section

R17-3-904. Logo Sign Requirements

**ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES**

**R17-3-904. Logo Sign Requirements**

**A.** Urban area. Except as prescribed in subsection (A)(4) or R17-3-903, the contractor shall not place a specific service information or directional sign on any highway in an urbanized area, which includes the following:

**1. Phoenix:**

Interstate 10, Agua Fria River bridge to Gila River Indian Reservation boundary (milepost 161.68);  
Interstate 17, Skunk Creek bridge to junction Interstate 10;  
State Route 51;  
US 60, Beardsley Canal to Ellsworth Road (milepost 191.40);  
State Route 85, 17th Avenue to 15th Avenue;  
State Route 87, Chandler south city limit (milepost 162.82) to Salt River bridge;  
State Route 88, US 60 to 200 feet north of Tomahawk Road (milepost 197.50);  
State Route 101 loop;  
State Route 143;  
State Route 153;  
State Route 202 loop; or  
State Route 303 loop.

**2. Tucson:**

Interstate 10, from railroad overpass (milepost 243.33) to milepost 272.00 (between Kolb and Rita traffic interchanges);  
State Business 19, milepost 59.00 (between Hughes Plant Road and Los Reales Road) to junction Interstate 10;  
Interstate 19, San Xavier Indian Reservation boundary (milepost 57.96) to junction Interstate 10;

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State Route 86, milepost 167.83 (between Century Road and Old Ajo Way) to State Business 19;  
State Route 77, junction Interstate 10 to Oro Valley north city limit (milepost 84.16); or,  
State Route 210; or

3. Any other urbanized area with a population of 100,000 or more.
  4. Boundary changes. If the boundaries of an urbanized area, as identified in a subsequent decennial census, are relocated so that an intersection, interchange, or exit ramp is no longer eligible for the logo sign program, the Department shall allow the logo signs within the revised urbanized boundaries to remain until the minimum lease obligations between the contractor and a responsible operator have been fulfilled.
- B.** Number of signs allowed. Only one specific service information sign for each category of specific service is allowed on an interstate or rural state highway to the approach to an intersection, interchange, or exit ramp, as shown in Illustrations A and B. Each specific service information sign may contain a maximum of six logo signs.
- C.** Sign sequence and spacing.
1. The contractor shall install successive specific service information signs in the direction of travel as shown in Illustrations A and B:
    - a. Camping,
    - b. Lodging,
    - c. Food, and
    - d. Gas.
  2. If the approach to an intersection, interchange, or exit ramp on an interstate or rural state highway has insufficient space in a single direction for four specific service information signs, priority shall be in the following order, as shown in Illustration A:
    - a. Gas,
    - b. Food,
    - c. Lodging, and
    - d. Camping.
- D.** If a responsible operator operates on a seasonal basis, the contractor shall:
1. Remove or cover the logo sign during the off-season, or
  2. Display the dates of operation, if additional information is not required under R17-3-902(E)(2).
- E.** If the Department requires that a specific service information sign be moved due to construction or reconstruction of transportation facilities, or the placement of other signs or traffic control devices, the standards of the Manual on Uniform Traffic Control Devices shall apply as to new placement.
- F.** Combination signs.
1. The contractor may combine two categories of specific services on a specific service information sign, as shown in Illustration C, if:
    - a. The contractor does not reasonably expect that more than three businesses for each service will request a logo sign within five years from the time of installing the combination sign, or
    - b. The approach to an intersection, interchange, or exit ramp on an interstate or rural state highway has insufficient space in a single direction for four specific service information signs.
  2. A combination sign shall contain at least one logo sign for each category of specific service displayed.
  3. The contractor shall not display a logo sign on a combination sign if the specific service category advertised by the logo sign already exists on a specific service information sign on the approach to the intersection, interchange, or exit ramp.
- G.** Trailblazing signs.
1. The contractor shall install a trailblazing sign for a responsible operator along a highway if the responsible operator's business is not located on and is not visible from an intersection with the highway as directed from the specific service information sign.
  2. The contractor may locate a trailblazing sign near all intersections where the direction of the route changes or where a motorist may be uncertain as to which road to follow.
  3. A trailblazing sign is limited to six logo signs.
  4. The contractor shall obtain written approval from the local governing authority to install and maintain a trailblazing sign along a highway that is not under the Department's maintenance jurisdiction.
  5. The contractor shall not install a logo sign until all necessary trailblazing signs have been installed.
  6. The trailblazing sign shall indicate by arrow the direction to the responsible operator's business.
  7. The trailblazing sign may:
    - a. Duplicate the logo sign or specific service information sign, or both;
    - b. Consist of two lines of text; or
    - c. Include the category of specific service and distance to the responsible operator's business.



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- H.** A logo sign shall comply with A.R.S. § 28-648. Descriptive advertising words, phrases, or slogans are prohibited on a logo sign, except:
1. If a responsible operator does not have an official trademark or logo, the responsible operator may display on its logo sign the name indicated in its partnership agreement, incorporation documents, or other documentation.
  2. Words to identify alternative fuel availability, including “diesel,” “propane,” “natural gas,” and “alcohol” are allowed on a logo sign for a gas service business.